BOSTON

A novel by
Upton Sinclair

To
Re-Re-le
From Isabelle
14-2-1929

BOSTON

A Novel by

UPTON SINCLAIR

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CHAPTER XIII

TRIAL BY JURY

I

"COURT!" shouted the bailiff, and pounded on the floor with his "wand." It was the court-room at Dedham, in Norfolk County, instead of Plymouth, so it was a different bailiff, but he looked exactly like the other, and so did his wand and uniform. There entered the same thin, shrunken old gentleman with white mustache and face like parchment, wearing the same voluminous black silk robe. The lawyers and spectators rose with the same show of reverence, and the bailiff pounded the floor again and repeated the ancient formula: "Hear ye! Hear ye! All persons having anything to do before the Honorable, the Justices of the Superior Court, now sitting within and for the County of Norfolk, draw near, give your attention, and you shall be heard! God save the Commonwealth of Massachusetts!"

Also there was the same district attorney, Fred Katzmann, blond hair and bursting red face, round, pulpy and smooth-shaven, his plump figure and manner of elaborate cordiality to his equals and Prussian sternness to his inferiors. There were three assistants; one of them was a "ticquer," like Judge Thayer, and presently they were to put on a witness who was a "ticquer," and there would be three of them in solemn confrontation, all blinking away, but not keeping time. There was Lee Swenson, his lanky western figure outtowering the rest, his face haggard from long nights of work, his black clothes hanging loose about his frame—but he had made the concession to Massachusetts sentiment of getting his hair cut. There was Fred Moore, from California, alert and aggressive; and the McAnarneys, associate counsel, two Irish Catholic brothers, retained in a vain hope of contributing respectability to anarchist wops accused of murder.

The court-room was crowded: a great number of "veniremen," to be questioned as possible jurors, and many spectators, more than could find seats. The newspapers had been full of the case, the desperate character of the criminals, the radical agitation concerning them, the precautions taken by the government to protect the court. The judge and the district attorney had a bodyguard day and night. Picked men from several police departments of Norfolk County were on duty; fifteen armed men scattered about the court-room, and three more at each door. Male spectators were searched thoroughly as they entered the court-room, and women had their handbags opened. An atmosphere of tension, almost of war.

Vanzetti was brought by armed guards in an automobile from Charlestown Prison, "where he is serving a sentence of from twelve to fifteen years for the Bridgewater hold-up"—so said the papers, and the veniremen read it and talked about it; when they became jurors, they were assumed to be ignorant of Vanzetti's previous conviction, and all persons who respected the legal system of the Commonwealth would solemnly pretend to accept this fiction. Almost in the center of the court-room was the steel "cage," shaped like a piano box with fancy grill-work, open in front, a psychological device for overcoming the legal presumption that a wop is innocent until he is proved guilty. The jurors gaze at him locked in throughout the trial, and by the time they are ready to vote they know him as a creature who belongs in a cage. Near the jury box was a tall standard, with an American flag.

A stir in the audience; the bandits were coming! A side door of the court-room opened, and there entered several policemen and then a guard with a handcuff on his wrist, and then a wop made safe with the other handcuff on his wrist, and another handcuff on his other wrist, and another wop chained to that; this second wop with a handcuff on his other wrist, and another guard chained to that: in short, four men chained together, the two on the outside being guards and the two on the inside being alleged bandits; all four symbolizing the fundamental human fact, that slavery enslaves masters as well as servants. It was glorious spring sunshine outside, and here were some hundreds of people who might have been walking in the woods, picking mayflowers, or sitting on the

beach engaged in high philosophic discourse; but they were crowded in between four white-washed walls, breathing foul air and shortening their lives, fastened to their seats by manacles of hate, fear and greed.

A few others, held by love and a sense of justice! "Society matrons and college girls," as the newspapers described them, they sat in silence, watching the procedure, sometimes pretending to be busy with their "fancy work"; doing their refined best to be unaware of being the cynosure of all eyes. These were the "Red sympathizers," or "pinks," as patriotic orators derisively called them: women who left homes of luxury to come and meddle with the course of justice, lending encouragement to bomb throwers and assassins, and making things harder for brave officials. Their presence was a continual irritant to the police, who would have liked to lock such troublemakers up, along with their anarchist pets.

And yet, mixed with this anger was awe; for some of these were "blue-bloods," the wonderful, almost supernatural beings whose names appeared in the society columns of the papers. To Judge Thayer they represented everything in the world to which he aspired, and every now and then he would steal a glance at Mrs. Lois Rantoul—who was a Lowell—or at Mrs. Cornelia Thornwell or Mrs. Elizabeth Glendower Evans, as if to see what they were thinking about him; presently his curiosity would get the better of him, and he would invite one of them to his chambers, and try to convince her that she was mistaken in believing these desperate anarchists to be innocent. He, the judge on the bench, would do that; and little by little the news of it would spread among lawyers and judges up in Boston, who were under the necessity of pretending to hold the dogma of judicial infallibility.

II

Between "Web" Thayer and Lee Swenson there existed an antagonism of temperament, which showed itself the very first hour. In order to practice in Massachusetts the lawyer should have complied with some formality. He had not known this, and now Judge Thayer proposed to bar him from the case. There were hasty conferences among the "blue-blood" ladies,

and they kept the telephone wires to Boston busy; with the result that next morning when Lee Swenson renewed his application for judicial courtesy, there were several leading lawyers of the city lined up in a row behind him. Too bad these great ones could not have stayed all through the trial, and restrained "Web" Thayer from making their community a byword throughout the world!

The veniremen, fresh from two days of patriotic celebrations, sat under the shadow of the flag and heard the black-robed old gentleman explain to them what patriotic celebrations are for. "You must remember the American soldier had other duties that he would rather have performed than those that resulted in his giving up his life on the battlefields of France, but he, with undaunted courage and patriotic devotion that brought honor and glory to humanity and the world rendered the service and made the supreme sacrifice. So I call upon you to render this service here with the same spirit of patriotism, courage and devotion to duty as was exhibited by our soldier boys across the seas."

Such was the mood in which the men of Norfolk County approached this trial. These were the wops who had sent bombs through the mail two years ago—so it was whispered—and the Wall Street explosion had been revenge for their arrest. Now, whoever voted them guilty would never sleep safe in bed. Wives had hysterics at home, and husbands promised to "lie out of it" at any cost; so, one after another, they took the stand and swore to a disbelief in capital punishment, or to an invincible conviction regarding the case. After three days a panel of five hundred veniremen had been exhausted, and still five jurors were lacking. Such a thing had never been known in the history of the county, and newspapers made "streamer heads" out of the desperate dangerousness of the situation.

It happened that on the night of June 3rd, Representative Samuel Wragg was being made the worshipful grand master of the Masonic Lodge of the town of Needham. Fred Katzmann, the district attorney, was a Mason, and the slain paymaster of the shoe company had also been a Mason. His worshipful brothers would not shrink from their duty to his memory. The father of Representative Wragg, a deputy sheriff, appeared without warning at the ceremony, and notified

the members of the lodge to appear in court next morning. That surely seemed to violate the law, which specifies that in such an emergency special veniremen shall be summoned "from among the bystanders." But Judge Thayer overruled the objections of the defense—just as he overruled Lee Swenson's efforts to question the veniremen.

One of the jurors selected over the protest of the defense was Walter Ripley, an old man who had been chief of police of the city of Quincy. For many years Ripley had watched juries file in and out of court-rooms, but never had he seen one stand and salute the flag. But now, when he was made foreman of the jury, he set a new precedent for the Commonwealth; every time he entered the jury box, he faced the flag and solemnly saluted it. That was his way of "telling the world." These anarchists—the male population of New England made an obscene word out of it—were trying to "tear down the flag," and he was going to show them. On his way to court he had met an old friend in the railroad station, and said that he was going to act as a juror in the trial of two "guinneys." "Damn them, they ought to hang anyway!" said Ripley, according to the affidavit made by his friend several months later.

III

Joe Randall was attending the trial as a newspaperman, representing some labor papers. Also there was John Nicholas Beffel, representing the Federated Press. These two mixed with the other reporters, and sat at lunch with them in the Dedham Inn, and so got all the "inside dope." This was irritating to Judge Thayer, who naturally assumed that all the newspapermen were on his side, and was accustomed to join them at lunch in their private dining room, and tell them what he wanted to have published. It happened that the Italian Government had sent a representative to attend the trial, to make sure that two Italian citizens received fair play; this gentleman, the Marquis Ferrante, naturally did not understand that there could be such a thing as a "radical" newspaperman, so he talked freely to Beffel, and gave him a carefully worded statement, intended as a broad hint to Judge Thayer. "The Italian authorities are deeply interested in the case of Sacco and

Vanzetti, and this trial will be closely followed by them. They have complete confidence that the trial will be conducted solely as a criminal proceeding, without reference to the political or social beliefs of any one involved."

Beffel made carbon copies of this statement, and gave it to the other men. The judge came in, and after he had finished his lunch and was ready to leave, one of the reporters handed him a copy of the statement. He read it, and did not fail to get its hidden meaning. His face flushed, and with a gesture of anger he said, "Why, that fellow came clear out to my home in Worcester and assured me that the Italian Government had no interest in this case!"

The reporters, seeing that he was in a mood for talk, gathered round. One of them spoke of Fred Moore, with whom the judge had been arguing all morning over the selection of jurors. The old man's face showed that there was still life in it; his yellow parchment skin became suffused with blood. "What do you suppose that fellow wanted me to ask those veniremen? 'Are you a member of a labor union? Are you opposed to union labor? Are you a member of a secret society?' "

"Web" went on, his conversation turning into a stump speech, as it always did, in a dining room or a railroad train, on a football field or a golf green, whenever he could get an audience. "Did you ever see a case in which so many leaflets have been broadcast saying that people couldn't get a fair trial in the State of Massachusetts?" He looked at Joe Randall, for he knew that Joe was the wicked author of these leaflets. His voice rose high and shrill, and his hands shook as he waved them. John Nicholas Beffel, annoyed at the turn of events, stepped closer and said, "I wish to inform you, Judge Thayer, that the statement of the Marquis Ferrante was given out at his express request. He asked me to copy it and give it to the other newspapermen." But the old man brushed him aside and as he went out, shook his fist, exclaiming to the group of men: "You wait till I give my charge to the jury. I'll show 'em!"

The reporters stood, dumbfounded. A judge, actually then sitting on the case, going back to court in that mood, to deal with men on trial for their lives! Manifestly, it was a "big story," and if the newspapermen could have had their way, unhampered by owners, it would have taken the front page of

every newspaper in Massachusetts. But newspapermen do not have their way; they do have owners, and have to practice what is known as "taking policy." The representative of the Associated Press, Jack Harding, advanced the classic formula of his organization, that the matter was "controversial," and therefore not to be handled. "Controversial," in the sense of the Associated Press, means anything detrimental to the ruling class of America. It is manifest that members of this class, being all in office or high station of some sort, can speak, and have their utterances count as news of an important and dignified character. It is when their enemies attack them that the "controversy" begins.

The other reporters from the capitalist papers agreed to hush up the incident. Beffel and Joe Randall might break step if they wanted to; but they could only publish the story in a few labor and socialist papers, where it would count for nothing; and they would get themselves barred from the private dining room, and from the precious "inside dope." The defense counsel agreed that nothing could be done; but of course the story went up to Boston, and caused several lawyers and judges of the city to say that "Web" had gone mad, and that something ought to be done about it—only, alas, nothing could be done, because all the judges, and even the court employees of Massachusetts are appointed for life, and if you were to try to impeach "Web" in the midst of this case, you might just as well turn the Commonwealth over to the Reds and be done with it.

IV

The prisoners sat in their steel cage, gazing about with anxious eyes, trying to understand the complex procedure in a strange tongue: Bart with his heavy drooping mustaches, his melancholy face now deeply lined; Nick, restless-eyed, impatient; both of them pale with a year away from sunshine. They were neatly shaved, brushed and washed, dressed in new suits, with black silk ties and clean collars—doing their best to look like Americans, to impress an American jury. They gazed at the elderly stern-faced men who were to decide their fate: not one foreigner among them, all English names, old Yankee

ancestry. Every one on that jury had had a son or near relative in France—and those relatives who were not dead or crippled had been marching in the patriotic celebrations of the last few days.

Assistant District Attorney Williams arose and made a speech to the jury, telling what his side intended to prove. Once more Cornelia listened to that story about a bandit gang, about Boda and Orciani and Coacci, the bandit house and the little shed behind it, the Buick car with the bullet hole in the side, the little Overland car in which the bandits had escaped, after they had "thrown away" the Buick car in the Manley woods. The jury would be taken downstairs to inspect the Buick; they would be taken on a tour, Judge Thayer accompanying, to see the shack and the shed. Cornelia had heard all this at Plymouth, and had seen the prosecution fail to produce any evidence whatever. She had not yet learned about Mike Stewart and his "theory," derived from the "detective machine"; the whole procedure seemed to her a lunatic's dream, and she watched in a daze to see what would happen in the course of this second trial.

Exactly the same thing happened as at Plymouth; no evidence appeared. The farce became so apparent that even Judge Thayer could not stand for it. As to Boda he said, late in the trial: "But he is not connected in any way with the murder. Anybody else driving a Buick car, if it was a seven-passenger car, would stand almost in the same relationship. . . . But there is not one identifying feature." He forced the prosecution to admit that "Neither Orciani nor Boda was in South Braintree at the time of the murder and there was no concert of action between them and Sacco and Vanzetti as to the murder." He ordered that "all evidence obtained by the jury on the view at the Coacci barn or shed be entirely disregarded." But of course it wasn't disregarded, and the prosecution knew what it had fixed in the jury's mind. Even after the district attorney had expressly admitted that Orciani was not one of the murderers, he brought him up before the jury as a dark and sinister mystery, challenging the defense to explain why they had not put him on the stand.

Physicians described the wounds of the dead men; and then came the identification witnesses. Lewis L. Wade, a shoe

worker, had thought in the Brockton police station that Sacco was one of the bandits; but now he said he was not sure. It was a blow to the police, and as Wade left the stand, one of the officers called him a "piker," and another muttered, "We are not through with you yet." A few weeks later Wade lost his job—after seventeen years' service with the shoe company. Two others who testified for the defense met the same fate. Not all the dangers were on one side!

There came Mary Splaine, bookkeeper of the shoe company, who had run to the window and looked out. Mary was one of the victims of that process of suggestion which prosecuting officials understand well. She had looked at Sacco so many times that she saw him as the bandit; she sat and looked at him once more and described him in minute detail, height, weight, square shoulders, high forehead, hair brushed back and between two and two and a half inches long; "dark hair, dark eyebrows, thin cheeks and clean-shaven face of a peculiar greenish-white." No one could have asked a better identification —until you considered the opportunity which Mary had had to see the bandit. Then you realized that she was claiming a physical impossibility. She was in a second-story window, eighty feet from the car, and she saw the bandit for the length of time it took the car to travel thirty-five feet at eighteen miles per hour—one or two seconds, amid the wildest excitement and shooting.

The defense confronted Mary with the record of what she had said at the preliminary hearing, after three different examinations of Sacco, "I do not think my opportunity afforded me the right to say he is the man." Now, surprised and confused, she said, "That is not true. I never said it." Having a day to think it over, and to be warned that stenographer's notes are not to be so easily waved aside, she took the stand and corrected her testimony, admitting that she had said what was in the record, but claiming that she had changed upon "reflection."

The defense tried desperately to break Mary Splaine; but she was one of those covered by the tragic phrase, too late! For her they needed the Pinkerton reports—the evidence of the operative Henry Hellyer, who was in court, and whose knowledge was in possession of the prosecution. He and Captain

Proctor, of the state police—another witness, also in court—had shown Mary Splaine a photograph of a criminal called "Tony the Wop," and Mary had positively identified him as one of the bandits; so the police had set out to get him—and learned that he had been in jail at the time of the crime! Also Mary Splaine had told Hellyer a long story about two men in the factory who had plotted and carried out the banditry. Mary gave their names, and Hellyer made "discreet inquiries" of the owner of the factory, who said the accusation was baseless; the superintendent told him to pay no attention to Mary Splaine, "because she is one of the most irresponsible persons he ever came in contact with." So read the report of "H.H.," hidden from the defense until five or six years later.

V

Next came Louis Pelzer, not bright, son of two mutes: the Jewish boy, haunted by the memory of pogroms, and in terror of the police. He had peered out through a window, and amid flying bullets had written down the number of the bandit car, and made note of the bandit so exactly that he could describe even the pin in his collar. The defense lawyers took this pitiful creature in hand, and soon had him mopping the sweat from his forehead. It became evident that he could not understand simple questions, and tangled himself in lie after lie. Yes, he had lied to Robert Reid, investigator for the defense; he had said he did not see anything, because he did not want to be a witness. The defense put on three fellow-workmen of Pelzer's, two of whom testified that instead of putting up the window to look, he had dived under a bench when he heard the shooting. The third testified, "I heard him say that he did not see anybody." The district attorney did the best he could in defending Pelzer to the jury. "He was frank enough here, gentlemen, to own that he had twice falsified before to both sides, and he gave you his reason. . . . He is big enough and manly enough now to tell you of his prior falsehoods and his reasons for them."

And then the Lola Andrews circus. Three days of the expensive time of the Superior Court of the Commonwealth of Massachusetts was given up to Lola. She told her tale of how,

four hours prior to the crime, she had seen two men with a car drawn up by the curb, and how she had talked to them, and the one under the car was Sacco. When the defense began to go into the details of her past life, she fainted impressively, and Judge Thayer ordered the court-room barricaded, so that when Lola was restored, she might pick out the man who had assaulted her in a toilet in a Quincy rooming-house. But that man was apparently an adept in the occult lore of the Hindoos, and possessed the power to dematerialize his body and disappear through the walls of court-rooms; the police could not catch him—but Lola won time to think, and also she won the jury, and Judge Thayer to keep the defense from asking her bad questions. When Fred Moore spoke of her testimony as "hopelessly confusing," the judge gave him a stern rebuke. "That is an unfair criticism of any witness."

When the defense had its chance, it put on Mrs. Julia Campbell, who had accompanied Lola on that visit to the shoe factory to look for a job, and testified that Lola had spoken to no man in or near an automobile. A policeman and a reporter testified that she had told them she had not seen the bandits. Harry Kurlansky, a small shopkeeper of Quincy, had talked with her on his doorstep and heard her tell how the police were hounding her to testify against Sacco and Vanzetti. " 'The government took me down and they want me to recognize those men,' she says, 'and I don't know a thing about them. I have never seen them and I can't recognize them.' "

That testimony looked so bad for Lola, it was one of the times when Judge Thayer felt it necessary to jump to the rescue. He began to cross-question the witness: why hadn't he set to work as a good citizen to find out who it was that was trying to make Lola give false testimony? Such an obvious thing for a small shopkeeper, a foreigner in a New England town, to tackle the police and the district attorney's office, and make them stop framing a witness! Said the judge, "Did you attempt to find out who this person was who represented the government who was trying to get her to take and to state that which was false?" Naturally Kurlansky was taken aback by such a question, and could only say, "Well, it didn't come into my mind. I wasn't sure, you know. It didn't—" The judge pinned him down, as to why he didn't think of it, why he didn't

do it—thus leaving him completely discredited before patriotic jurors, who gave all their spare time to supervising the work of police chiefs and district attorneys.

VI

Presiding over a murder trial is a complicated and exacting business. Common sense and humanity have nothing to do with the procedure; it is a matter of rules and decisions, millions of intricate and subtle details, the interwoven and organized history of the trials which have been held in New England for three hundred years, and in Old England for twice as long. All this you have to have at your finger-tips, for each decision must be rendered immediately, you cannot take it under advisement and look up the precedents overnight. Your reputation depends upon your decisions being such that the highest court, reviewing your work, will sustain you. The strain is incessant, and may last for many weeks; the rules allow ten days' rest to a judge after each ordeal.

"Web" Thayer had been playing this game for many years, and knew all the tricks; including the one of favoring his own side while seeming to be impartial. His spoken words would go into the record, to be studied by the higher judges; but his manner would not go in—so the art was to keep his words fair, and do the damage otherwise. Every time Swenson or Moore would make an objection, "Web" would turn and look at him over his spectacles with a kind of ironical curiosity. "What is this that has come out of the wild west to teach us how to conduct a court in Massachusetts?" Then his eyes would turn to the jury, and give half a wink; with a bored drawl, he would say, "Objection overruled," and jury and court officials would be all one grin.

Within its narrow limits the judge's mind was quick and cunning. He was instantly on the alert to spoil any advantage his enemies were gaining, and ingenious to find reasons to interrupt, to block questions, to bar out evidence and confuse witnesses. Frequently he sat with some of the prosecutors in public places, and he always knew what the prosecutor was aiming at, and if he missed a point, would prompt him. Once, realizing that he had gone too far, he apologized blandly: "I

am always telling the district attorney what to say." The naïve court reporter put that into the record!

And later came the incident of the cap which had been picked up at the scene of the crime, and which the prosecution sought to identify as Sacco's. It was too small for him, but the jury would overlook that. When the son of Sacco's employer was on the stand, Judge Thayer tried to get him to say that this cap resembled Sacco's. Naturally, when a man runs a factory with many workers, he can't remember the details of all the caps they wear; young Kelley was embarrassed, not liking to displease a great judge, but he had to say, "I can't answer it when I don't know right down in my heart that that is the cap." "Web" was determined to get something more damaging than that; and at the same time he tried to fix it so that his questions would seem to be coming from Assistant District Attorney Williams. Said the judge, "I would like to ask the witness one question: whether—" then he turned to Mr. Williams: "I wish you would ask him, rather."

The defense lawyers tried to break up this game, but "Web" stuck to it: "I would rather it came from Mr. Williams. Will you put that question?" The somewhat slow Mr. Williams—"Web" came to hate him bitterly for this and other faults—asked the witness whether the cap was "alike in appearance to the cap worn by Sacco." The witness replied, "In color only," which would seem clear enough; but "Web" refused to be defeated. Said he, "That is not responsive to the question"—meaning, of course, that it wasn't what he wanted. He went on, telling the witness what to say: "In its general appearance it is the same." Those words came from the just and upright judge, and the witness would have had to be very rude indeed to contradict them. "Yes, sir," he said. When the defense objected to this singular method of "framing" evidence in open court, the judge made it all right by directing the court reporter to falsify the record. "You may put the question so it comes from counsel rather than from the Court." Mr. Williams then obediently put the question, and the witness obediently answered again. But the court reporter, whether from stupidity or malice, failed to take the judge's instructions, and copied out the whole dialogue, and there it stands in cold print, to be handed down to the scorn and fury of all future times.

And this partisanship and cunning combined with the cheapest vanity and craving for display! The photographers were constantly making pictures of Judge Thayer, and he was never too busy to pose for them. On the front page of the papers you saw Judge Thayer sitting on the bench with a legal tome open before him; Judge Thayer with a palm leaf fan standing in front of the court-house; the twelve gentlemen of the jury being entertained by a victrola, with Judge Thayer in the center of the picture.

And then, sitting in his chambers, spitting on the floor, and talking about the case with Tom, Dick and Harry; with court officials, interpreters, policemen, newspaper reporters, photographers—incredible as it might seem, even with ladies of social prominence who were there as friends of Sacco and Vanzetti. So furious was his hatred against these "anarchistic bastards," he was not content to send them to the electric chair, but must throw mud at them on their journey. To Cornelia Thornwell it seemed that the poor old man had literally gone out of his mind; so also it seemed to dignified "blue-bloods" when she told them what was happening. But what could be done about it? The Commonwealth makes the proud boast that no judge has ever been impeached. Were they going to break that record, tarnish that scutcheon, for the sake of two Italians who were anarchists, infidels and draft-dodgers, even if they were not bandits and murderers?

VII

Carlos E. Goodridge to the stand: the man who had managed to exchange a jail sentence of several years for aid in sending Sacco to the electric chair. Judge Thayer knew all about that situation; and just as Swenson had predicted, he refused to permit any questions to be asked of Goodridge, to reveal the fact that he had pleaded guilty to larceny in Massachusetts. Moreover, the judge called the lawyers to the bench while he was discussing the matter, so that the jury might have no hint that they were listening to the testimony of a crook. Thayer would not even permit the discussion to get into the record, and when he saw the court reporter starting to take down his words he exclaimed, "Get the hell out of here!" So the pro-

prieties were preserved, and the glib and plausible Goodridge took the stand, and told the trusting jury how he had run out of the pool-room, and seen the bandit car go by, close to the curb, and how a bandit "poked a gun over towards" him, and this man was Sacco and nobody else.

The defense was hog-tied and helpless. Concerning the rest of Goodridge's record, the fact that his very name was an act of perjury, they had no evidence. The court-room rang with the cries of the several fine women whom Erastus Corning Whitney had married and betrayed, of the owners of horses he had stolen, of others whom his glib tongue had swindled; but the fates which held Sacco and Vanzetti at their choice allowed no sound to be heard. When later these sounds had been duly transcribed upon legal paper, and sworn to before notaries, and laid before Judge Thayer in the form of a motion for a new trial, that Daniel come to judgment would repeat his deadly formula: "Motion denied!" When the matter was carried before the Supreme Judicial Court, that august body would apply its vast learning to the problem, and decide, first, that the failure to let the jury know of Goodridge's record was not ground for reversal, and second, that the discovery of new facts about Goodridge was not basis for a new trial. "Decision sustained."

Blocked and thwarted at every turn! Police officers took the stand to tell how witnesses had identified Sacco and Vanzetti in the Brockton police station immediately after their arrest; but when the defense tried to ask them about witnesses who had refused to identify, "Web" Thayer held up his mighty hand and cut him short. No witness could be asked about what any other witness might have said! By this device the defense would be kept from using the trial proceedings to fish for evidence. The bare idea that they should try to do it was so preposterous that both the judge and the jury burst out laughing.

Again the voices shrieked. Roy Gould, the salesman of shaving paste, the man with the bullet hole in his overcoat, who had been within ten feet of the bandits, and would swear that Sacco was not the man! Mrs. Kelly and Mrs. Kennedy, the only persons who had had an extended view of the driver of the car, and whose written statements that he was not Vanzetti were in the hands of the district attorney! All those witnesses

who had been taken to the police station by Henry Hellyer and Captain Proctor, and had identified photographs of other bandits, but had refused to identify Sacco and Vanzetti—in spite of the posing, and pulling down of caps over the eyes, and pretending to aim pistols! So many voices crying warnings, filling the court-room with their clamor—in vain!

VIII

In the papers Cornelia read news of great concern to her family; the demurrer to the suit of Jerry Walker had been overruled; the last bar was down, the tremendous case was to be tried out before a jury. "Fifteen Million Dollar Conspiracy Charge!" said the newspapers. To Cornelia it meant a family agony; all three of her sons-in-law, two of her nephews-in-law, two or three cousins, were going to have to take the witness stand, and be questioned for weeks and months as to the details of their business procedures. Jerry Walker's lawyers had not minced words in setting forth what they expected to prove: the great bankers, headed by Rupert Alvin and Henry Cabot Winters, had "entered into a secret combination and conspiracy to carry into effect by their combined power and influence, by duress of the plaintiff, by fraudulent concealments, false representations and by wrongful, illegal and fraudulent means which are hereinafter stated with certainty and particularity, to deprive the plaintiff of his shares in the above-named companies." The "yellow" newspapers smacked their lips over the promised feast, while the dignified ones put the news away in the financial columns, as if to say that these abusive words were used in a technical sense, and did not mean what the ordinary reader would suppose.

Already families had been broken up over this issue, and wives were not speaking to one another. Mrs. John Quincy Thornwell, wife of the president of the Fifth National Bank, was telling everybody that Rupert Alvin had drawn her husband into the mess without his knowledge. Mrs. Rupert Alvin, wife of the president of the Pilgrim National, was outraged because her sister, Mrs. Henry Cabot Winters, was taking the affair with flippancy, having said to her intimates that it would be an excellent thing if some of these gentlemen were sent to

jail, so that their wives would know where they were! Slanders and recriminations—bitter feuds starting—a whole kettle of Back Bay codfish!

In the Sacco-Vanzetti trial one of the lawyers fell ill, and Judge Thayer put off the trial over the week-end. Cornelia was planning to write a lot of letters and raise some money which was badly needed; but Deborah telephoned from her place at the North Shore, her mother must meet her in Boston at once, something about Alice, very serious. Cornelia assumed it was more of the Jerry Walker quarrel. "You know, Deborah, I consider the Walkers as my friends, and I am not going to have anything—"

But Deborah broke in: "It has nothing to do with that, Mother. It is something personal, something desperate—I can't give you any hint over the telephone. Come to the house at once."

So Betty drove her grandmother to Boston. Betty had work to do at defense headquarters. She was going to get out a rush circular about events at the trial, and she wasn't going to let Joe have anything to do with it. Under the very strict laws of Massachusetts, Judge Thayer had the right to call it contempt of court, and if he tried to, the defendant was going to be a young lady with the very bluest blood in New England; old "Judge Fury," as Betty had taken to calling him, would get a sure enough front-page story if he tried it! Joe was going to stay in Dedham and write newspaper and magazine articles, which would be published outside the state, and so beyond "Judge Fury's" reach.

"I know what you'll find," said the young lady Bolshevik—"another of Aunt Alice's geniuses gone wrong. I hear she's going wrong with him." And so it proved. Alice had got the love of art and the art of love mixed up. A chaotic Bohemian pianist had cast temperamental glances at her, and she proposed to accompany him to Europe, and had notified Henry that she expected to get a divorce. "And right now!" cried Deborah—"while Rupert and Henry are driven nearly to death with this Jerry Walker affair, and the Elevated Railway business, too—and Betty, and you—Mother, we simply cannot have another scandal now!"

So the family phalanx must gather about the frantic woman,

and guard her with their spears, and frighten away "that impossible man," as Deborah called him. Cornelia, the mother, and only woman member of the old generation, must take most of the burden. She must face her second daughter's hysterics yet again—she had lost count of the times, it had been more than twenty years of melodrama; first frantic jealousy of Henry, then bitter hate, then indifference, with various stages of romantic thrills for this, that and the other great or some-day-to-be-great poet or painter or musician. This time was the most terrible of all; this time all bars were down, all reserves thrown away—it was most decidedly not "Boston," not to be believed.

For twenty years Alice had sought something, and the women and the men of the family had formed the phalanx about her, and held her captive. "Now look at me!" she cried. "I am an old woman! My skin will soon be parchment, and my chance is nearly gone!"

"Your chance at what?" asked Cornelia, quietly.

"Love!" cried the other, with unaccustomed clarity.

The mother felt a sudden uprush of pity. "Does love depend on complexion?"

"What else?" cried Alice, wildly. "And look at me!"

Cornelia looked, and realized. It was true that her vain and beautiful daughter was showing her years; no longer the wild rose complexion, the girlish charm, the serenity and security of young matronhood. Alice's skin was getting dry, there were lines that no beauty doctor could take away, those fatal tight strings under the chin which nothing can hide. Deborah's neck had been like that for years, she had worn a black velvet band about it. But such a device would make Alice "look a fright"—she grabbed up a ribbon and wound it into a halter, to show her mother what she would be like!

She loved Franz Cezak! He was not a "strolling Bohemian," as Deborah had basely insinuated; he was no common musician at all, but the younger son of a great family, who had been received as a house guest in Back Bay homes. Alice loved him, and she didn't love Boston, and she was going to be happy!

Would she really be happy? asked the mother, and began the brutal task of undermining poor Alice's castle in Bohemia. Did this love-artist know that she had very little money in her own

right, and that it is not the custom for American husbands to subsidize the art-romances of their wives? Was it true that the man was some years younger than Alice, and if so, did art-lovers behave like other men in the matter of women's age? Was Alice expecting to come back to Boston, the morning after her nuit d'amour?

Clara Scatterbridge, the youngest daughter, came in; having all the future of her many sons and daughters, coming one by one to marriageable age, to weep and plead for. Rupert Alvin came, leaving all his cares of state. He had put into action the machinery which the ruling classes have established for the quick and efficient collection of scandal; just as he could tell his mother-in-law all the gossip of the "Italian colony" concerning the anarchist "gruppo" of East Boston, so he could tell his sister-in-law about a Bohemian pianist, who had an art-love in every concert town. He had been knocked down and almost killed by a well-known cricket player of Philadelphia, and in Paris he had run away from a duel with the exiled Russian Prince Dolgorovitch, "or whatever it is," said Rupert, with Anglo-Saxon contempt for a name with such termination.

And then young Josiah Thornwell Winters, Alice's only son, who was to get his "sheepskin" from Harvard in a few days. Young Josiah's own behavior didn't give him much standing in court, he admitted, but he was promising to settle down and make a man of himself, and it would certainly be easier if he had a mother in blameless Boston, rather than following a pianist about Bohemia. The rest of the family withdrew while this intimate episode in the drama was played out.

IX

Cornelia went to see the husband, and found that Henry was taking a most un-Bostonian attitude. "Mother," he said, "it seems to me Alice had better have it out, and see whether there's anything in this romance business for her. You, as a Bolshevik, ought not be shocked by that."

"Mine has been a revolt with a purpose," said Cornelia; "and if Alice has a purpose I don't know what it is."

"Well, I have said for years that Alice ought to have a divorce. If she had a husband, she might settle down—"

"But this man won't be a husband, Henry!"

"I know; but something has got to pull her loose from the family. I haven't said it to them, because after all, it's a Thornwell affair. But it's been plain to me, ever since I realized that I wasn't the man for Alice. The misery has been because the family couldn't make up its mind to face a divorce; they'd rather have a fit of hysterics once a month for twenty years. I don't want to talk about Alice, for she's your flesh and blood—"

"Go on, Henry, say what you think. I've got to understand you all."

"Well, Mother, fundamentally it's that Alice hasn't got any brains. Why didn't you teach her some of your sense of fun?"

"You forget, Henry, I didn't do the teaching. The house was full of Josiah's sisters and aunts, who knew what ought to be done always. I waited too long before I fought."

"Yes, Mother, we've all made mistakes. I ought to have given more time to my son. I left him to his mother, while I made the money, and now I've got too much money, and no wife, and a son who has the structure and constitution of a marshmallow. That's my reward for hard work—not much reason for going to the office in the morning, is there?"

"I know, Henry, you've talked like that before; but you go to the office in the morning, and go on doing what you did the day before. We're all of us like so many ants—we do what the others do. Because I have tried to think for myself, you decide I am cracked in the head."

"No, Mother, not at all!" Henry's gallantry came to the rescue. "I really have a great admiration—you should hear me boasting about you in the clubs—nobody can sport such an exciting mother-in-law! Truly, you're the talk of the town—they tell me you have assumed the moral leadership of all the Bolsheviks at the trial."

"They tell you something very foolish, like all the other tales about the Sacco-Vanzetti defense. What became of the evidence you promised to get me, Henry? Have you forgotten it?"

"No, Mother—"

"You didn't find it so easy as you thought?"

"Not that; but fifteen million dollars is a lot of money, and Rupert is terrified as to what he has to admit in the Jerry

Walker case. Also he's had to take charge of the Bar Association—the job they are planning, to oust our district attorney. I suppose you've heard about that?"

"No, Henry, I've been out of touch with the criminal world of late." She laughed, and he laughed, too—they always had a good time. If only Alice had had her mother's ability to laugh!

"It's a long story, I'll tell you about it some day. When the blackmail ring got after the Thornwell family, Rupert insisted that we had to put them out of business; he's a sterner moralist than I, you know. We started work through the Bar Association—you are reading about this Mishawum Manor case, of course."

"Did you and Rupert start that?"

"The episode happened four years ago. Didn't it strike you as peculiar that it should be taken up now?"

"To tell the truth, I've been too busy to think about it."

"Well, so has the public! The fact is, I got detectives and got the story for Rupert."

"Why did you start in Middlesex County?"

"Well, you see, the district attorney there happens to be an American, and we thought it would be good policy to show impartiality. After we have put Tufts out, nobody can kick if we come over here to Suffolk and tackle Joe Pelletier!"

"I see!" said Cornelia. She knew that she was being admitted to the inside of Boston public life—the center of the center and hub of the hub! "Joe" Pelletier, district attorney of Suffolk County, comprising Boston proper, was a leading Catholic orator and hero, National Advocate of the Knights of Columbus, knighted by the Pope for his services to the holy cause. Incidentally he was one of the tools of the "blackmail ring," and may have got a share of that seventy-five thousand dollars which Henry had "pungled up" to pay for the flashlight picture of his son in the hotel room with a woman. So now the Thornwells were out to "get him"!

It was one more crisis in the unending struggle between the blue-blood and the Irish-Catholic elements of the city. Cornelia had watched it all her life, so she did not have to ask many questions. "It seems unfortunate," she commented, "that Rupert has to be mixed up in this Elevated scandal right now."

"But that is part of the fight," said Henry; he explained

that Joe Pelletier had taken up the scandal and was threatening prosecutions, as a means of frightening Rupert and the rest of the Pilgrim National crowd. Something like half the patriotic legislators of Massachusetts had been borrowing money from the banks, and speculating in Elevated stocks, before they passed the bill which boosted these stocks on the market; and now Pelletier was trying to fasten it on Rupert. It was a question which would "beat the other to it." "Make your bets!" said Henry Cabot Winters.

"Your smile is a sufficient betting tip!" replied his mother-in-law; and he said yes, it was coming out all right, only Rupert was the worrying temperament, and getting worse. The doctors tried to get him to stop, but they hadn't chosen a very helpful way. They took x-ray pictures of his veins and showed how they looked like white ribbons, which meant deposits of lime and other minerals; they had given the poor fellow such a list of things he mustn't eat that when he dined out he picked around in his plate like a chicken. His rosy and purple bulges would soon be turned into hollows.

X

Alice's castle in Bohemia collapsed. Did one of the Thornwell men convey to the tempestuous genius the information that the Thornwell ladies had no money of their own? Anyhow, the celebrated artist discovered a series of concert engagements in California, and wrote Alice a letter of great wisdom and sympathy. The tormented woman died a score of soul-deaths, and retired to a fashionable sanatorium to try a rest cure with "stuffing." A little later she would be trying a fasting-cure, and after that a diet of grapes exclusively, and then she would be paying thirty dollars an hour to have her troubles listened to by a psychoanalyst.

Meantime Cornelia had hurried back to Dedham, where the trial had reopened, regardless of Thornwell family troubles. Again she sat all day on a hard bench in the court-room, and wrote memoranda in a notebook, and in the evening conferred with the lawyers and the committee and the journalists until late at night. Each afternoon, after court, she went by special favor of the sheriff, to say a few words to Bart, and hear his

advice about the procedure, and comfort him with affection.

The prosecution had come now to the identification of Vanzetti as one of the bandits. They put on the stand a man named Levangie, gateman at the railroad tracks across which the bandit car had passed immediately after the shooting. This old man told how a train was coming when the car drove up, and he started to put down the gates, but the bandits forced him at the point of a revolver to raise them and let the car cross ahead of the train. He identified Vanzetti as the driver of the car.

When the defense had its turn it put on a locomotive fireman, not a Red but an Irishman, who testified that three-quarters of an hour after the shooting he talked with Levangie, who said that he did not see the bandits, all he saw was the gun, and he "ducked into the shanty." Three other witnesses gave the same testimony. As it happened, Levangie had told one of the defense lawyers that he could not identify the bandits, and first he admitted having said this; later he contradicted himself, and said he did not remember any such interview. He was a loose-jointed fellow, shifty of eye, and did not seem at all abashed when he was caught in false statements; rather he took the whole affair as a joke.

It became a joke to all the world, when the district attorney came to discuss Levangie's testimony in his address to the jury. Mr. Katzmann was in a dilemma, because the gateman had identified Vanzetti as the driver of the car, whereas Mr. Katzmann's other witnesses agreed upon the driver as young, small, light-haired and sickly looking. The district attorney managed very ingeniously to repudiate Levangie while at the same time asking the jury to accept him. The gateman thought he had seen Vanzetti driving the car, but really he had seen him in the rear seat!

That was all the real evidence they had. But to cover the weakness, they put on some more that looked like evidence. A man named Dolbeare, who thought he had seen Vanzetti in an auto full of foreigners in South Braintree, some five hours before the crime. He had seen a car going past him, and what had attracted his attention was one man leaning forward talking to another, and that it was a "tough-looking bunch." He did not know Vanzetti, had never seen him before, and never

saw him again until after the arrest. He admitted that carloads of workmen drove through the town all the time, on the way to the shipyards. He could not identify any other man in the car, nor give a single detail about any one; all he could do was to identify Vanzetti as one man who had been in that car.

And then a man who claimed to have seen Vanzetti on a train the morning of the crime, coming from Plymouth to East Braintree. This man was completely refuted by the conductor and three ticket-agents—no ticket had been sold for such a journey. Also the prosecution put on another crossing-tender, who had noted a car at his crossing, near the Manley Woods, an hour after the crime, and thought it was Vanzetti in the front seat of the car. And that was all the identification! That was the main part of the evidence upon which the august Commonwealth of Massachusetts proposed to send a man to the electric chair!

When Cornelia examined her notes, and questioned others in her party, to see if her memory was playing her false, she was appalled by the thing she saw happening before her eyes. They were actually attempting to convict Bart of murder without one real item of identification; solely upon such facts as that he had been with Sacco the night of the arrest, and had a gun and cartridges, and had told lies to the police about himself and his doings! So farcical was the identification of Bart, and so completely were the identifications of Nick shot to pieces in the course of time, that three years later Judge Thayer found himself backed against the wall, and forced to admit that "these verdicts did not rest, in my judgment, upon the testimony of the eye-witnesses." This news would certainly have surprised the gentlemen of the jury, who had spent a week or two listening to these eye-witnesses, and had been solemnly assured by the district attorney himself that never in his eleven years of office had he "laid eye or given ear to so convincing a witness as Lola Andrews!"

XI

Almost three weeks it took the Commonwealth of Massachusetts to present its case against the two anarchist wops. Thirty times the prisoners emerged from the county jail—at a quarter to nine every morning except Sunday, and again at a quarter to two every afternoon except Saturday and Sunday—

and marched from the jail to the court-house: chained to a deputy on each side, with ten or twelve policemen marching in front, and as many in the rear. They always walked in the street, not on the sidewalk, for greater safety against surprise attack. Small boys would gather to stare, and the deputies would command, "Stand back!" It was their only chance to justify the expense to the county.

Seated in the cage, side by side, the prisoners would gaze straight before them. They could not see the spectators, nor was any one permitted to speak to them, except their lawyers. After a time the stern guards learned to make an exception of Mrs. Sacco, who would go to the cage and chat with her husband until court opened. Poor little woman, she had to bring a nursing baby with her, and her face, usually bright and eager, was worn and lined. She would sit all day, silent and rigid, trying to understand long words in a language that was still partly alien to her.

Her husband also would try, and the more he understood, the hotter became his revolutionary fury. Several times he and his companion boiled over—impossible to sit in silence while lies were told and rascality committed under the forms of law. When the policeman who had arrested them swore that Bart had several times started to reach for his gun, Bart cried out, "You are a liar!" A terrible breach of decorum—the guards seized him and shoved him into his seat, commanding, "Shut up!" When Lola Andrews was in the midst of her identification, Sacco rose in his seat and cried, "Am I the man? Take a good look! I am myself!" Again a great shock, and a sensational story for the papers. Nick's picture took the front page.

Later, when the defense was having its innings, there were more scenes. The interpreter provided by the court was an Italian by the name of Rossi; he belonged to the Norfolk County "ring," and was a friend of Mrs. DeFalco's, and of Judge Thayer's—he had a child named Webster Thayer Rossi, and he used to drive the judge up to the University Club in Boston; if the judge did not discuss the case with him on the way, it was the only chance "Web" ever lost.

Either this Rossi did not know how to interpret correctly, or he did not wish to; at a critical point in the testimony of Alfonsina Brini, he misstated in English what she had said in

Italian. Bart knew enough to catch the error, and insisted upon calling attention to it, and would not let the guards silence him. Again and again he saw these errors, and to Cornelia, when she came to see him in the jail, he insisted, "That fellow is a crook!" Over and over he said it, "He is a crook! Crook!" Cornelia thought it was Bart's prejudice against everybody in power; but it was another of those things that were to be proved too late. Before five years had passed, Rossi was to get a two year jail sentence for trying to sell his influence with judges.

Such misfortune appeared to dog the patriots who were prosecuting Sacco and Vanzetti; so many of them got into trouble with their own laws—but always after the verdict, when it was too late to count! There was an agent of the Department of Justice, named Shaughnessey, who had had the job of watching Red meetings and had supplied a mass of information concerning Sacco and Vanzetti. This ardent patriot stole a carload of hogs—a rather difficult object to get away with, one would think. Later he got twelve years for a holdup. But when in the course of later appeals, the defense had occasion to suggest the possibility of improper conduct by Department of Justice agents, "Web" Thayer was outraged by this, and delivered a stern rebuke.

XII

And then Captain Proctor, head of the state police. The Proctor story was so atrocious, that naïve old ladies like Cornelia Thornwell thought it would only have to become known in order to split the community wide open. But in fact, it hardly made a ripple. Massachusetts was so used to official knavery that it had lost the power to react, even with surprise.

Captain Proctor had been in the police service of the Commonwealth some thirty-six years, and was an old hand at the "frame-up"; among other jobs, he had "made" the Ettor and Giovannitti case. When Sacco and Vanzetti were arrested, he was called in by Mike Stewart, and interviewed all the witnesses, and tried to help out Mike's "theory." But in the end he told Mike, "You've got the wrong men," and withdrew from the case.

But still, gang loyalty held him, and when Fred Katzmann called on him to identify the so-called "mortal bullet," which had been extracted from the body of the dead guard, he came. This bullet was the crucial issue in the whole case; it was what tied Sacco and Vanzetti to the case, because the other five bullets found in the dead bodies were of such a size and make that they could not have come through either Sacco's pistol or Vanzetti's. The prosecution claimed that the "mortal bullet" had been fired from Sacco's pistol, and could have been fired from no other pistol. They put on an "expert" who swore to that; and then they put on Proctor, who backed up the "expert."

At least, that is what everybody thought he did, and the trial was concluded on that basis; the prosecution laid the utmost emphasis upon it, because Captain Proctor had qualified at great length as an authority upon bullets and revolvers, who had been studying the matter for twenty years, and had been a witness in more than a hundred capital cases. Said Katzmann, in his closing argument to the jury, "You might disregard all the identification testimony, and base your verdict on the testimony of these experts." And Judge Thayer put the weight of his judicial authority behind that; he explained to the jury what the testimony meant, that "it was Sacco's pistol that fired the bullet that caused the death of Berardelli. To this effect the Commonwealth introduced the testimony of two witnesses, Messrs. Proctor and Van Amburgh."

Nothing could be more positive; and so the matter went to the jury; so it stood in the minds of all students of the case for two years. But then Captain Proctor was near death, and his conscience troubled him; two men whom he believed to be innocent stood in the shadow of the electric chair, because of a conspiracy into which he had entered with the prosecution, to misrepresent his testimony to the jury. So he made an affidavit in which he set forth what had happened. Repeatedly he had been asked by the prosecutors to testify that the particular mortal bullet had been fired through the particular pistol belonging to Sacco. He had made many tests and measurements in the effort to convince himself that this was so, but he could not get the proof, and refused to give such testimony. "The district attorney desired to ask me that question, but I had repeatedly told him that if he did I should be obliged to answer in the

negative." At the trial the questioning had been done by the assistant district attorney, later to become a learned judge. His question had been framed very carefully, and Proctor's answer no less carefully: "My opinion is that it is consistent with being fired by that pistol."

A verbal trick, you see; the witness meant that the mortal bullet *might* have been fired through that pistol; but the district attorney represented to the jury that his words meant something entirely different—that it *must* have been fired through that pistol, and could not have been fired through any other pistol in the world. That was how Judge Thayer passed it on to the jury in his charge; and in after years, with the printed words of his charge before him—preserved immutably, to be handed down to the scorn and fury of all future times—the embittered old man rendered a decision in which he ingeniously twisted the defense contentions concerning the meaning of the Proctor affidavit and the answering affidavits of Katzmann and his assistants, which really did not answer at all.

It was "Web's" way, shown in almost every decision he rendered. You would state something in plain words, as explicitly as the language permitted; you would wait patiently, a year or two, while the old gentleman had an appendicitis operation and an attack of pneumonia; and finally he would hand down a decision in which he accused you of having said many things you had never thought of. He would set up a whole regiment of straw-men, and in a valiant duel chop off their heads; he would fill pages in the stately law-books with refutations of arguments which had never been heard anywhere save in his own hate-tormented head. And then at the very end, sitting upon his throne with the whole world for an audience, he would solemnly declare: "With reference to the question of prejudice, there is not any now and there never was any."

CHAPTER XIV

JUDGE FURY

I

Four times each day the prisoners made their march down the middle of the street, accompanied by military escort. Four times each day the jury made a march, from their hotel to the court-house, at noon to a restaurant and back, then to the hotel in the evening: twelve "good men and true," with court officers preceding and following, the aged foreman toddling at their head—he was to die within three months. It was a heavy strain upon old men, to sit for six hours a day in a crowded court-room, in suffocating midsummer heat. The judge mercifully said they might take off their coats, but their Puritan consciences required most of them to be uncomfortable.

Seven weeks their semi-imprisonment lasted; the bored victims got to know one another too well, and when they were tired of playing cards they sought refuge in the daily newspaper. They were not allowed to read about their own case—the sheriff cut it all out of the papers; but they read about a court up in Boston, where Charles Ponzi was being punished for having made five million dollars without permission of the Federal Reserve Board. The financial wizard's digestion had been wrecked by the ordeal of law, so the papers explained, and he had to be taken out to a restaurant each day, to get his diet of little neck clams and cream of tomato soup.

And then the story of Mishawum Manor, where the emperors of the moving picture world had been entertained by naked young ladies dancing the highland fling! Who could have invented more delicious material for the beguiling of bored jurymen? The Hearst newspaper put it on the front page each day: the romantic life story of "Brownie" Kennedy, the "madame" of this roadhouse; the number of husbands she had deserted, the millionaires she had plundered and ruined; details about the "champagne and chicken supper," the hugging and the dancing,

and how the guests had disappeared to the rooms upstairs, so that at one time there was nobody to eat the chicken or drink the champagne. Later they were reassembled, much in déshabille, and the young ladies—names, addresses and prices all given—were flinging their very highlandest, when a flashlight went off and a photograph was taken of the scene. Most of the guests were too drunk to know what this meant; when they woke up next afternoon, they paid a thousand dollars for "entertainment and breakage," and thought that would be the end of it—just as if they had been at home in Hollywood.

But no, this was a pious Puritan community; and presently the emperors of moving pictures were receiving letters informing them that several of the young ladies who had been hired for the party had husbands, and these husbands were threatening suits for the desecration of their wives; furthermore, some indignant moralist had carried the story to the district attorney of Middlesex County, and that official was greatly shocked. Middlesex is sacred territory, because it contains the city of Cambridge, home of Harvard, the center of the center and hub of the hub. It would take no less than half a million dollars to wipe out the stain which these Hebrew and Babylonian emperors had put upon New England culture.

After much dickering, and threats and counterthreats, the dispute was settled by the payment of a hundred and five thousand dollars, which, according to the newspapers, had been divided among the chiefs of the political "ring," including the Middlesex district attorney—no Irish-Catholic "mick," but a blue-blood of registered pedigree, a gentleman with two hobbies, Red-baiting and college athletics. Only a year ago he had led a spectacular raid against "Red headquarters" in Cambridge, with a patrol wagon, cops, reporters and camera men, and had confiscated a load of literature. He was engaged in umpiring the Yale-Princeton football game, when the newspaper reporters came to inform him that the Supreme Judicial Court had removed him from office. Being a good sport, he went on with the game.

Middlesex County lies immediately to the north of Norfolk, and at its nearest point is only four or five miles from Dedham; so it might occur to some jurymen to wonder, could this corruption have crossed the border, and affected those in charge of

the present trial? The authorities deemed it wise to provide automobiles, with bailiffs for chauffeurs, to keep the jury entertained. On holidays the twelve good men and true were escorted to the beach to picnic, and Sundays they went to church in the morning, and in the afternoon they motored to witness some of the patriotism rampant in the community.

On Sunday, twelve days after the trial started, the bodies of three dead soldiers, dug out of the ground in France, were buried in the city of Brockton, in Plymouth County, and the whole town turned out for the ceremonies. On the same day at Whitman, in the same county, two bodies were buried. On the following Sunday another one at Hingham, in Norfolk County. The day before that was the anniversary of the Battle of Belleau Wood, celebrated by veterans all over both counties; the day before that was a great New England holiday, Bunker Hill Day, celebrated in every town. On June 25th, just as the defense was getting under way, the sacred Plymouth Rock was restored to place with a new shrine over it, and there was a great celebration in Vanzetti's old home, reported in all newspapers and read about by all jurors. A week later five thousand veterans of the "Yankee Division" assembled in Plymouth, and held their exercises over the Fourth of July, the great American patriotic holiday. On that day the town of Quincy, in Norfolk County, witnessed the greatest parade of veterans in its history; the whole countryside echoed with the sounds of firecrackers and bells and military exhortations. "Never shall America forget the brave boys who died for her!"—so said the orators.

II

And then the college commencements! There are a score of colleges and universities in Massachusetts, to say nothing of two hundred and forty-nine high schools; and all of them celebrated their exercises while the Sacco-Vanzetti trial was in progress. All had eminent persons to deliver orations, and few were the orators who did not refer to the enemy within our midst, and the need for good citizens to stand together. These exhortations would be quoted in the next day's newspapers, and read by the twelve good men and true in their legal quarantine.

Cornelia took a day off and went up to the Harvard exercises.

Impossible to refuse, for it was the crisis of the effort to hold Alice in line, and this was an occasion that would never come again, the graduation of her only son; the public appearance of Alice with Henry, and with all the family about her, would set forth their solidarity to the world, and repudiate malicious gossip. Such was the requirement of propriety. The three sisters might quarrel ever so bitterly among themselves, but the world must see them side by side, going through the formalities with dignity.

So now Clara spent the night in the Winters home in Boston, to keep Alice from taking poison or running away. Deborah came early in the morning, and the two of them worked with moral exhortations, and cups of strong coffee, and an expert hairdresser, to get their distracted sister into shape for exhibition. Clara rode in the car with Alice and Henry, to relieve them of the necessity of talking—Clara could always tell a thousand stories about the progress of her brood.

Deborah sent her car early in the morning to bring her mother; and there they were, three middle-aged ladies and one old one, dressed with the restrained and dignified but none the less expensive elegance of the Brahmins; Henry in tall silk hat and frock coat, braided trousers and spats; Quincy Thornwell, gentleman of leisure, escorting Priscilla Alvin Shaw, returned from her honeymoon in Florida. They took their appointed places in Sander's Theater, bowing right and left, greeting their friends, exchanging compliments with the nearest. All the conventions were satisfied.

The academic procession moved through the "Yard"; all the dignitaries in their gorgeous-colored silk hoods and gowns, led by the university marshal, and followed by thirteen hundred graduates-to-be, all in caps and gowns. It was a special occasion, because Harvard was making an innovation; for the first time in its two hundred and eighty-five years, women were to be awarded regular Harvard degrees—not just Radcliffe degrees signed by President Lowell. There were thirty-six of these intruding females, but they were not permitted to leave the sacred yard with the men, they had to join the procession near Lawrence Hall.

In Sander's Theater the sheriff of the county called the meeting to order; the dean of the divinity school offered a

prayer, three graduates delivered orations, and the Governor of the Commonwealth made a speech. A curious moment for Cornelia Thornwell, with ghosts walking upon the platform, in costumes much out of style. How many years since she had sat up there, and heard Josiah's stern dry voice? The fashion in speeches had not changed a particle; they still talked about the responsibility of educated men for citizenship; they still rebuked disturbers of the public thought. Said Governor Cox: "We ought to stop complaining about the wrongs other men are doing until we are sure each one of us is doing his part honorably and well."

President Lowell arose to confer the degrees; an old gentleman with a brown mustache and full red cheeks and proper coldness of manner. He belonged to the inner circle of the sacred caste, enjoying an income of not far from a million dollars a year from the family cotton mills and real estate. He had been a lawyer on a small scale, when the great financial interests of Boston had selected him to take charge of their university. Under his direction there had been established a Graduate School of Business Administration, to put a gloss of culture upon the crudities of commercialism; the institution had grown with such speed that it was turning matters about, and taking a lot of the gloss off Harvard.

There was a slow procession of thirteen hundred young men in black gowns and mortar-boards, walking across a stage, putting out a hand and taking a roll of sheepskin; listening to a little speech, if it happened to be a "cum laude," with an extra sentence if it happened to be a "magna cum laude," and several sentences if it happened to be a "summa cum laude." It seemed symbolical of New England hypocrisy that these were not real diplomas, but merely blanks; next day the graduates had to go rooting in tubs, in the basement of the theater, to get their own!

The only thrill in the ceremony is when one of the young men happens to be known to you; then you make a decorous little noise with the palms of your hands—the relic of enthusiasm among the blue-bloods. Cornelia looked at the young faces, grave and pale, mostly, but still clean and alive. She looked at the sheriffs and mayors and politicians and lawyers and bankers —masks of cynicism, hardness and dullness. What evil power

presided over the lives of men, to work this transformation from youth to age?

It came the turn of Josiah Thornwell Winters; and Cornelia hoped that not many of these graduates were hiding a tragedy like his. She had heard from Quincy Thornwell the end of the story: the woman from "Larry Shay's stable," who had succeeded in making Young Josiah think she was only nineteen, and innocent, was in reality twenty-five, a victim of drugs, and also of a disease. This latter she had passed on to her victim, so now he was paying several visits a week to leading specialists, and his pale set face as he walked across the platform was due to the fact that walking hurt him. But all over Sander's Theater, members of the audience nudged one another, whispering, "The grandson of Governor Thornwell—the tall one." They thought about his blue blood, and mothers with marriageable daughters pondered ways to meet him.

There was an elaborate banquet at the close of these ceremonies; and also a series of class banquets, at which the "old boys" got together and listened to patriotism and jokes. At one of these revelries the orator was that courageous patriot, District Attorney Frederick G. Katzmann, of Norfolk and Plymouth counties. The chairman introduced him as one who had set out to rid Massachusetts of the Reds, and the orator accepted the stern duty, and talked about the Sacco-Vanzetti case, and what he was going to do to those anarchists. Tumultuous applause from the assembled banqueters, and toasts from their hip-pocket flasks, and singing of "Fair Harvard" and "He's a Jolly Good Fellow!"

III

Back to Dedham courthouse with its high white dome, with a ring of port-holes like an ocean liner; the jury making its daily marches, and the foreman saluting the flag; the manacled prisoners parading down the middle of the street with their military escort; the guards keeping watch, searching the spectators, even the handbags of the ladies; the newspapers reporting sensations.

The defense was having its innings. Frank Burke, a man in his fifties, formerly sealer of weights and measures for the

city of Brockton, and now giving demonstrations of glass-blowing, had been on the street in South Braintree, where the bandit car crossed the railroad tracks. The car had passed within ten feet of him, and the bandit in the right front seat had leaned out and snapped a gun at him—it had failed to explode. The man supposed to be Sacco had been in the right rear seat, and Burke got a good look at him and described him, a flat, full face, with broad heavy jowl—no resemblance to Sacco. There had been so much patriotism in the trial that Burke thought a little would be welcome from him, so he tried it, and there resulted a curious dialogue between him and the district attorney:

"What was the color of the gun you saw?"

"Blue."

"You have seen them, haven't you?"

"Yes, my boy brought one home from the war."

"Did you think I asked about your boy bringing one home?"

"No, but you were asking me about automatics, and I told you when I seen one."

"You thought you would tuck that in, did you?"

"I am not attempting to tuck anything in, Mr. Katzmann."

"Did you do it inadvertently?"

"Yes, sir, I am trying—"

"And have all your answers made heretofore that have not been called for been done inadvertently? I want you to tell the truth."

Five laborers took the stand, men who had been digging an excavation, and had witnessed the murder. These men all swore that neither Sacco nor Vanzetti were in the bandit car; but they were Italians and Spaniards, having to talk through interpreters, and it was easy for Katzmann to discredit them. One laborer estimated that he was forty or fifty feet from the shooting; Katzmann very cunningly got him to answer a complicated question—that he was as sure of the distance as he was that the bandits had not been Sacco and Vanzetti. Then he measured the distance on the map, and said it was ninety-five feet; and that finished Pedro Iscorla. In his closing speech Katzmann attacked all these laborers as cowards, because they had stood by with picks and shovels and failed to attack bandits who were shooting guns.

Two gun experts testified for the defense. Experts always balance one another—if you have as much money as the other side. One was a champion pistol shot and department head in a cartridge company; the other was superintendent of the testing department of the Colt Automatic Pistol Company, which had made Sacco's gun, and he should have known more about it than Captain Proctor, who had found himself on the witness stand vainly trying to take the weapon apart. Both the defense experts testified that the "mortal bullet" could not have come from Sacco's gun; nor did they, like Proctor, take back their testimony later on.

Witnesses appeared to counter the testimony of the gateman Levangie, and say how he had told them he did not see the bandits. The same for Goodridge, the ex-convict; four men swore that he had made statements contradicting his present testimony. Too bad these poolroom gentlemen were not named Jones, Smith, Brown and Robinson, instead of Magazu, Arrigoni, Manganio and D'Amato!

And then the witnesses to answer "Fainting Lola": her friend, Mrs. Campbell, a white-haired old woman who broke down and wept because she did not like to call Lola such a liar; the policeman and the reporter to whom Lola had admitted that she could not identify the bandits; and then Kurlansky, the storekeeper, who got his rebuke from Judge Thayer for having failed to tackle the police and prosecuting authorities of Norfolk County, all by his valiant self!

And then poor Joseph Rosen, the Jewish peddler of cloth, who had sold Vanzetti a piece of suiting at a great bargain because it had a hole in it. He had gone with Vanzetti to show the goods to Mrs. Brini, and they had had a long talk. Three weeks later he had read of Vanzetti's arrest for banditry, and had seen his picture and recognized him, and realized that it was the day he had sold the cloth. He told his story to the jury, and Katzmann provided a four-hour circus for bored jurymen by kidding Rosen's Yiddisher dialect, and asking where he had been on a certain day a year ago, and where he had been three weeks ago. Poor Rosen tried to protest that if he had a little time he could remember some of that; which of course Katzmann and the jury took to mean that he could have the lawyers' help in remembering it.

As a matter of fact it would have been easy for the prosecution to have verified Rosen's story if it had cared to, for he said he had sold cloth to many persons in Plymouth that day, including the wife of the chief of police. But it was as Lee Swenson had told Cornelia—hardly any use at all to put on foreign witnesses; the jury took it for granted that their stories were "built," and whether they were all "built," or only a few of them "built," made no difference in the result. Of course no jury would ever dream that the cultured gentlemen who represented the Commonwealth would do such a thing as tell a witness what to say! Never in a thousand years could they be made to realize that of the five identification witnesses upon whom the case against Sacco rested, one was a many times convicted crook, one a hysterical prostitute, one a half-wit, one a disordered fantast, and one a feeble victim of police pressure; all five of them persons who had made statements identifying other men as the bandits, or else saying that they could not identify any one. And all this known to the prosecution, and some of it to the judge on the bench—so that the procedure represented a conspiracy between the district attorney and the judge, to deceive the jury, to hide the essential facts from them, and persuade them that white was black.

IV

The great day of the trial: Bartolomeo Vanzetti taking the stand in his own defense! He looked neat and proper in his new black suit, clean white collar and little black silk tie. He had grown bald about the temples during his long confinement, but he still had his heavy droopy mustache; his earnest, deeply lined face was that of a student and thinker.

They took him out of the "cage" to give his testimony, and stood him in the prisoner's dock, with a little low railing before him, where for hours he answered the questions of his lawyers. His manner was quiet and courteous, and his command of English remarkable; he had profited by his year of study to drop most of his Italian peculiarities, and the newspapers commented upon his education, so that Cornelia was proud of her pupil. Only once did he let himself be goaded by Katzmann into a flash of "redness"; when he had occasion to refer to the place

where some of his friends lived, working on the railroad near Springfield: "Yes, in a shanty, you know, the little house where the Italian live and work like a beast, the Italian workingman in this country."

He told the jury the story of his life: his childhood in Italy, his slavery to a pastry cook, the breakdown of his health, the death of his mother. He told about coming to America, his work in the great rich club in New York City—he no longer called it a "clooba"—and then in the smart restaurant; his work in the brickyard, the stone quarry, on the railroad, the Worcester reservoir—near the home of Judge Thayer; then in a wire mill, then for the Plymouth Cordage Company. He told about his going to Mexico, because he did not believe in war; he had learned by now that he had not been liable to the draft, and he mentioned it, but apparently without result.

He told about his fish-selling business—and the defense counsel showed his license to dig clams, and the receipts for his fish. All the morning of the South Braintree crime he had been selling fish in Plymouth—in Cherry Street, Standish Avenue, Cherry Court, Suosso's Lane, Castle Street. A little after the noon hour he had met Rosen, and bought from him the piece of suiting with a hole in it; Vanzetti still had the cloth, and it was introduced in evidence. He had taken Rosen to Mrs. Brini, because she worked in a woolen mill, and was a judge of cloth. In the afternoon he had left his cart in the yard of Melvin Corl, the fisherman, and had gone down to the shore, where Corl was painting a boat, and at the actual moment of the South Braintree murders he had been chatting with Corl. The owner of the boat-yard, Gessi, had come along during the talk, and another man, Holmes. Later Bart had dug clams and bait, and had gone home and had his supper at six o'clock, and had spent the evening in Plymouth.

He told about his doings from that April fifteenth to the day of his arrest three weeks later. He had gone to the club in East Boston, and had been asked to go to New York to see about Salsedo and Elia. But there Katzmann and Thayer stopped him; it was the intention of the district attorney to argue that the defendants had no reason to be afraid on the night of their arrest, and to tell lies to the police. Katzmann wanted to argue that the worst that anarchists had to fear was getting a

free trip to Italy; that as Sacco was going anyhow, the claim of fear was obviously silly. The entire ruling class of Massachusetts was going to maintain that argument for six years; so the jury must be kept from realizing that sixty-seven hours prior to the arrest of Sacco and Vanzetti, their friend and comrade Salsedo had jumped, or had been thrown to his death from the fourteenth story of the Park Row Building in New York! The defense came back to it, again and again, but they were blocked here and blocked there, and the real meaning of the matter was never made clear to the jury.

It was the aim of the prosecution, not so much to refute the testimony of Vanzetti, as to rouse the prejudices of the jurors against him; to fill them with emotions of hatred and fear, so that they would be incapable of thinking; to make them see an anarchist infidel draft dodger as a depraved wretch, deserving to die many deaths. When the time came for cross-examination, Mr. Katzmann's first question had nothing to do with the problem whether Vanzetti had sat in a bandit car and pointed a shotgun out of the rear window; it had to do with the problem whether the jury was going to find him guilty, regardless of whether he had sat in the bandit car or not. Said Mr. Katzmann: "So you left Plymouth, Mr. Vanzetti, in May, 1917, to dodge the draft, did you?"

Mr. Katzmann of course knew perfectly well that Vanzetti had not been liable to the draft; but he went on to rub in the sneer, with that mock indignation acquired in the course of eleven years' service for the Commonwealth: "When this country was at war, you ran away, so you would not have to fight as a soldier?" The district attorney was not interested to question Vanzetti about the South Braintree crime, and try to prove that he was there; the district attorney was not interested in trying to break Vanzetti's alibi; he was only interested to prove that Vanzetti had lied to the police, and that he was unpatriotic.

He took up the prisoner's effort to organize a meeting, and the pitiful circular he had drafted: "You were going to advise in a public meeting men who had gone to war? Are you that man?" "Yes, sir," answered Bart, quietly, "I am that man, not the man you want me, but I am that man." The newspapers made much of this scene; it was what their readers were hungry for. "A tensely dramatic moment," said the Boston *Traveler,*

and described how the prosecutor "thundered." Said the *American,* "The district attorney's voice was vibrant with emotion. It thrilled the spectators."

V

But it was during the cross-examination of Sacco that the great official's vibrations did their heaviest thundering, and the spectators, and readers of newspapers, got their choicest thrills. Nicola Sacco had a poor command of English, and had to call for the aid of the interpreter-crook; also he had poor command of his emotions, and could be jeered at and goaded, provoked into saying things that would ruin him. The district attorney asked him seventeen hundred questions; and more about patriotism than about anything else. Said Mr. Katzmann: "Did you leave this country in May, 1917?"

Said Sacco: "I can't answer in one word."

"Please answer my questions, Mr. Sacco"—"in thundering voice," the newspapers said. "One week before the day of the first draft in May, 1917, did you leave this country?" There followed a long dialogue, a scene which made Cornelia think of a deer in the forest, when a wolverine or lynx or other fierce creature drops upon him from a tree, and chews into his neck as he runs. That is a common event in nature; but in this case appeared a phenomenon unknown to zoology—another animal running alongside the fleeing deer, to keep any one from interfering with the neck-chewing process. This creature went by the name of a webthayer.

"Did you say yesterday you love a free country?"

"Yes, sir."

"Did you love this country in the month of May, 1917?"

"I did not say,—I don't want to say I did not love this country."

"Did you love this country in that month of 1917?"

"If you can, Mr. Katzmann, if you give me that,—I could explain—"

"Do you understand that question?"

"Yes."

"Then will you please answer it?"

"I can't answer in one word."

"You can't say whether you loved the United States of America one week before the day you enlisted for the first draft?"

"I can't say in one word, Mr. Katzmann."

"Did you love this country in the last week of May, 1917?"

"That is pretty hard for me to say in one word, Mr. Katzmann."

"There are two words you can use, Mr. Sacco, yes or no. Which one is it?"

"Yes."

"And in order to show your love for this United States of America when she was about to call upon you to become a soldier you ran away to Mexico."

That question was, obviously enough, not intended to elicit any information of use to the jury; that question was, purely and simply, a sneer. And Katzmann hammered and hammered upon it; eleven separate times he repeated the word "love." First, did Sacco run away for love of his country? Then, did he run away for love of his wife? "Would it be your idea of showing your love for your wife that when she needed you, you ran away from her?"

Said Sacco: "I did not run away from her."

Said Sacco's lawyer: "I object."

But the webthayer said: "He may answer,"—and added, with his usual cunning: "Simply on the question of credibility, that is all."

So the wolverine or lynx went on with the neck-chewing. "Would it be your idea of love for your wife that you were to run from her when she needed you?"

Said Mr. McAnarney: "Pardon me. I ask for an exception on that."

The webthayer excluded the question; but obligingly indicated to the neck-chewer how he might go on. "He had not admitted he ran away."

So, of course, the torture was resumed. "Then I will ask you, didn't you run away from Milford so as to avoid being a soldier for the United States?"

"I did not run away."

"You mean you walked away?"

"Yes."

"You don't understand me when I say 'run away,' do you?"

"That is vulgar."

"That is vulgar?"

"You can say a little intelligent, Mr. Katzmann."

"Don't you think going away from your country is a vulgar thing to do when she needs you?"

"I don't believe in war."

"You don't believe in war?"

"No, sir."

"Do you think it is a cowardly thing to do what you did?"

"No, sir."

"Do you think it is a brave thing to do what you did?"

"Yes, sir."

"Do you think it would be a brave thing to go away from your own wife?"

"No."

"When she needed you?"

"No."

VI

The prosecutor kept at the wife question until he had got all the hate out of it he could, and then he took up the sneer that "wops" come to America to make money. "Is it because,—is your love for the United States of America commensurate with the amount of money you can get in this country per week?"

"Better conditions, yes."

"Better country to make money, isn't it?"

"Yes."

"Is your love for this country measured by the amount of money you can earn here?"

"I never loved money."

This went on, until the defense broke in again. Said Mr. Jeremiah McAnarney: "No, if your Honor please. And I might state now I want my objection to go to this whole line of interrogation."

Said the webthayer: "I think you opened it up."

Said the lawyer, very humbly: "No, if your Honor please, I think I have not."

Said the webthayer: "I think you have,"—and went on to give an argument which for prejudice-carrying capacity exceeded anything the fertile mind of the district attorney had been able to conceive. It was the contention of the defendants that on the night of their arrest they had been going with Boda and Orciani to visit some of the anarchist comrades, and collect the dangerous literature from their homes, and hide it until the storm of persecution had blown over. And now here was the webthayer, elaborating an even more complicated sneer than the one about love of country and of wife. Said he: "It seems to me you have. Are you going to claim much of all the collection of the literature and the books was really in the interest of the United States as well as these people and therefore it has opened up the credibility of the defendant when he claims that all that work was done really for the interest of the United States in getting his literature out of the way?"

Said Mr. McAnarney: "That claim is not presented in anything tantamount to the language just used by the Court, and in view of the record as it stands at this time I object to this line of inquiry."

There followed upon this a phenomenon never observed in any forest; the wolverine or lynx desisting from his neck-chewing, and letting the webthayer take his place on the victim's back! The webthayer liked his mockery so well that he repeated it five separate times, in detail, and several other times by implication. "Are you going to claim that what the defendant did was in the interest of the United States?" And each time with a broader wink at the jury, a broader grin from the jury in response. When the defense lawyer objected, "Your Honor please, I now object to your Honor's statement as prejudicial to the rights of the defendants and ask that the statement be withdrawn from the jury"—then instantly the webthayer was on the alert to protect the record and make everything look all right. "There is no prejudicial remark made that I know of, and none were intended. I simply asked you, sir, as to whether you propose to offer evidence as to what you said to me."

After which he went on to repeat the sneer and rub it in; and closed, as usual, by telling the wolverine or lynx how to get back to the neck-chewing: "I will let you inquire further as to what he meant by the expression." So, of course, Katzmann

took the hint, and went on, exactly as if there had been no interruption: "What did you mean when you said yesterday you loved a free country?"

VII

Poor Nick! He was a talkative, eager young fellow, a propagandist; and for fourteen months and two days they had had him behind steel bars. He had boiled, he had seethed, he had all but exploded. And now suddenly he saw a hope! "Give me a chance to explain," he pleaded; and the cunning prosecutor said: "I am asking you to explain now." Actually, the great Mr. Katzmann asked him to explain! The great Judge Thayer said it would be all right for him to explain! The jury, the spectators, everybody was ready to listen—while he told what he thought about America, about Italy, about liberty, about the workers and their rights, the rich and the poor, good food and vegetables, schools, free speech, Debs, the capitalist class, Harvard College, D. Rockefeller, Morgan, working people, war, socialism, Abraham Lincoln, Abe Jefferson, the Irish, the Germans, the French, governments, devilment and robbery—everything! Perhaps he could not convert them, but at least he could make them understand him!

Forgive him if his stump-speech is long—he has all the conclusions of a lifetime to state! Forgive him if it is jumbled—he has no time to arrange it, he does not know at what moment they may shut him off again and lock him up for another fourteen months! Forgive him if it is incoherent—he is groping desperately for words in a strange tongue, stammering, halting, starting again, tripping himself up with his excitement, the intensity of his convictions. And meantime the bland prosecutor stands silent, smiling—why should he trouble to work, when his victim will hang himself with his own rope? The judge is content, for he knows it will look well in the record—the defendant has had a chance to express himself, no possible claim that he was misrepresented. Most content of all are the jurymen—because they have power to punish a wop who is insulting and defiling all their most sacred Yankee prejudices.

Said Nicola Sacco, in defense of his life:

"When I was in Italy, a boy, I was a Republican, so I always

thinking Republican has more chance to manage education, develop, to build some day his family, to raise the child and education, if you could. But that was my opinion; so when I came to this country I saw there was not what I was thinking before, but there was all the difference, because I been working in Italy not so hard as I been work in this country. I could live free there just as well. Work in the same condition but not so hard, about seven or eight hours a day, better food. I mean genuine. Of course, over here is good food, because it is bigger country, to any those who got money to spend, not for the working and laboring class, and in Italy is more opportunity to laborer to eat vegetable, more fresh, and I came in this country. When I been started work here very hard and been work thirteen years, hard worker, I could not been afford much a family the way I did have the idea before. I could not put any money in the bank; I could no push my boy some to go to school and other things. I teach over here men who is with me. The free idea gives any man a chance to profess his own idea, not the supreme idea, not to give any person, not to be like Spain in position, yes, about twenty centuries ago, but to give a chance to print and education, literature, free speech, that I see it was all wrong. I could see the best men, intelligent, education, they been arrested and sent to prison and died in prison for years and years without getting them out, and Debs, one of the great men in his country, he is in prison, still away in prison, because he is a Socialist. He wanted the laboring class to have better conditions and better living, more education, give a push his son if he could have a chance some day, but they put him in prison. Why? Because the capitalist class, they know, they are against that, because the capitalist class, they don't want our child to go to high school or college or Harvard College. There would be no chance, there would not be no,—they don't want the working class educationed; they want the working class to be a low all the times, be underfoot, and not to be up with the head. So, sometimes, you see, the Rockefellers, Morgans, they give fifty,—I mean they give five hundred thousand dollars to Harvard College, they give a million dollars for another school. Every day say, 'Well, D. Rockefeller is a great man, the best man in the country.' I want to ask him who is going to Harvard College? What benefit the working class they will get by those

million dollars they give by Rockefeller, D. Rockefellers. They won't get, the poor class, they won't have no chance to go to Harvard College because men who is getting $21 a week or $30 a week, I don't care if he gets $80 a week, if he gets a family of five children he can't live and send his child and go to Harvard College if he wants to eat everything nature will give him. If he wants to eat like a cow, and that is the best thing but I want men to live like men. I like men to get everything that nature will give best, because they belong,—we are not the friend of any other place, but we are belong to nations. So that is why my idea has been changed. So that is why I love people who labor and work and see better conditions every day develop, makes no more war. We no want fight by the gun, and we don't want to destroy young men. The mother been suffering for building the young man. Some day need a little more bread, so when the time the mother get some bread or profit out of that boy, the Rockefellers, Morgans, and some of the peoples, high class, they send to war. Why? What is war? The war is not shoots like Abraham Lincoln's and Abe Jefferson, to fight for the free country, for the better education to give chance to any other peoples, not the white people but the black and the others, because they believe and know they are mens like the rest, but they are war for the great millionaire. No war for the civilization of men. They are war for business, million dollars come on the side. What right we have to kill each other? I been work for the Irish. I have been working with the German fellow, with the French, many other peoples. I love them people just as I could love my wife, and my people for that did receive me. Why should I go kill them men? What he done to me? He never done anything, so I don't believe in no war. I want to destroy those guns. All I can say, the Government put the literature, give us educations. I remember in Italy, a long time ago, about sixty years ago, I should say, yes, about sixty years ago, the Government they could not control very much those two,—devilment went on, and robbery, so one of the government in the cabinet he says, 'If you want to destroy those devilments, if you want to take off all those criminals, you ought to give a chance to Socialist literature, education of people, emancipation. That is why I destroy governments, boys.' That is why my idea I love Socialists. That is why I like people

who want education and living, building, who is good, just as much as they could. That is all."

VIII

July 7th was the date of this oration. Three days previously all patriots had celebrated the Declaration of Independence, with its opening assertion that "all men are created equal." If the author of that document, "Abe Jefferson," could have been present in the Dedham court-house, he would have been able to understand the blundering protest of an uneducated foreigner, chained for life to an edge-trimming machine in a shoe-factory. But not so this jury, not this judge nor this prosecuting attorney! To them it was treason; and the moment the orator ceased, the wolverine or lynx was on his neck again. "And that is why you love the United States of America? She is back more than twenty centuries like Spain, is she?"

Worse yet, the presumptuous wop had dared to insult Harvard College! The district attorney waited until after lunch, to refresh himself and gather his energies to deal with such insolence. "Did you say in substance you could not send your boy to Harvard? Don't you know Harvard educates more boys of poor people free than any other university in the United States of America?"

The defense lawyers objected, but were overruled, and poor Sacco had to answer. If he had been an authority on educational statistics, his answer would have been that Harvard was educating free something over one hundred students, while the University of Wisconsin had educated free in that year five thousand, eight hundred and ninety-five, and the University of California had educated free eleven thousand, three hundred and forty.

But alas, poor Nick was not an authority on educational statistics, and could only say that he didn't know; thereby confessing to a more serious crime than first degree murder. Said the outraged Mr. Katzmann: "So without the light of knowledge on that subject, you are condemning even Harvard University, are you, as being a place for rich men?"

More argument, more interruptions; the defense lawyers protesting, Judge Thayer overruling them—he and Katzmann like

two skillful basket-ball players, keeping the ball in play between them and working it down the field to the goal. "Did you intend to condemn Harvard College?" (Objection overruled.) "Were you ready to say none but the rich could go there without knowing about offering scholarships?" (Objection overruled.) "Does your boy go to the public schools? Are there any schools in the town you come from in Italy that compare with the school your boy goes to?" (Objection.) And then, free nursing in the town of Stoughton! The number of children in the schools of Boston, and what did Sacco know about it! Said Mr. McAnarney: "I object to that answer. I object to the question and the answer." Said Judge Thayer: "The question may stand, and the answer also."

To Cornelia Thornwell, watching this scene, listening to these interminable wrangles, this was not a real procedure in a court; this was some kind of crazy dream, a world of cross-questions and crooked answers, another Alice in Wonderland. Yes, that was it—Cornelia was in the home of the White Rabbit and the March Hare, the Mock Turtle and the Queen of Hearts! "He's murdering the time! Off with his head!" A world where things changed their form suddenly, where they grew enormously big and terrifying and then shrunk to littleness, so that you had to laugh at them! A world in which a blond and genial gentleman with bursting red pulpy face turned suddenly into a wolverine or lynx, chewing a deer's neck—and then into a basketball player, romping down a field with a judge! Anything but a responsible public official, conducting a judicial procedure involving human life!

> I'll be judge, I'll be jury,
> Said cunning old Fury;
> I'll try the whole cause and condemn you to death!

They got onto the question of the literature which Sacco and Vanzetti claimed they had been intending to gather up. "Books relating to anarchy, were they not?" "Not all of them." "How many of them?" "Well all together. We are Socialists, democratic, any other socialistic information, Socialists, Syndicalists, Anarchists, any paper." They discussed for a while what had been intended with the literature, whether it was to be de-

stroyed or only hidden for a while. Sacco admitted it was to be hidden. "Certainly, because they are educational for book, educational." Said the prosecutor: "An education in anarchy, wasn't it?" Said the witness: "Why, certainly. Anarchistic is not criminals." This greatly incensed the district attorney. "I did not ask you if they are criminals or not. Nor are you to pass upon that, sir." What a light this threw upon his purpose! And upon the argument which Cornelia was to hear in future years from the whole of official Massachusetts—that the purpose of this cross-examination had been to prove that Sacco and Vanzetti had not been genuine "Reds," but were merely making a pretense at it!

On and on, with no end in sight. Presently the wolverine or lynx was back at his neck-chewing—though you would think his victim must by now be bled to death. "And you are a man who tells this jury that the United States of America is a disappointment to you?" Again an objection of the defense, and the webthayer telling the wolverine or lynx how to proceed. The judge pointed out that Katzmann had made the mistake of "assuming" that Sacco was the man. So of course Katzmann took the hint, and framed it as a question; *was* Sacco the man? The lawyers again objected, and the judge overruled, and the lawyers asked an exception, and then the victim couldn't understand the phrase, "passed judgment upon the United States of America," and it had to be explained to him: "Well, tell us about how disappointed you were, and what you did not find and what you expected to find. Are you that man?" Yes, Sacco admitted, he was the man; and the jury was greatly enlightened.

IX

The ordeal was over at last, and a court official came to Cornelia Thornwell, saying that His Honor would like to see her in his chambers. Another interview with the judge—the third during the trial! It was intolerable to him that members of the aristocracy which he reverenced should be sitting there in court day by day disapproving of the procedure; he must argue with them, he must explain and defend himself, he must bring the great ones to appreciate his services. He meant it for a compliment to them; but unfortunately

he paid the same compliment to newspaper reporters and photographers, and other persons whom the aristocracy does not recognize.

He had taken off his black silk robe and hung it on a hook, and was now a quite ordinary little old man, small, narrow-shouldered, with white hair and a feeble chin and bloodless complexion. He rose from his chair and bowed her to a seat, and she saw that his hands were trembling, and his blinking worse than usual—he was a tired old man, who had been through a severe ordeal and was wrought up and suffering. He was fussy in his manner, over-cordial and lacking in repose; he repeated himself, saying the same words several times: "Now, Mrs. Thornwell, you see, you see! You see what I told you about those men!"

"How do you mean, Judge Thayer?"

"You heard the testimony that fellow Sacco gave? You see he admits it, he admits the worst—they are arnychists, of the most desperate character—they say it, defiantly—they defy the court and all society!"

"But, Judge Thayer, I have always known they were anarchists. I don't understand they are on trial for anarchism."

"No, but it shows their character, their ideas. They have no respect for the law—they are men who would commit crimes."

"But I heard Sacco's employer testify that he was a good workman, that he had not been absent from his machine but one day in a long time—he was trusted with the keys to the factory—he had been a night-watchman—"

"Oh, but Mrs. Thornwell, you should hear what Kelley says outside!"

"What do you mean, what Kelley says?"

"I cannot tell you his words, they are not fit for a lady's ears; the substance of it is that Kelley is afraid to tell the truth about what he thinks of Sacco."

"Judge Thayer, you appal me!"

"How do you mean, madame?"

"You are going outside the testimony of the case, considering gossip that people bring you, things that the witnesses are unwilling to say under oath!"

"I am dealing with people who are terrorized. You cannot imagine the condition in this community, the time we have had

getting men to come forward and testify at all. Think of the situation, Mrs. Thornwell—what it means, where it was necessary to summon nearly seven hundred veniremen in order to get a jury!"

"And so you think that our legal system has broken down, and you throw it overboard! I have read that men were executed upon the gossip of spies in Turkey under the sultans, and in Russia under the tsars, but I did not know we had come to that in Massachusetts."

The old man's face showed that he had blood in him after all. He held up a shaking hand to stop her. "Mrs. Thornwell, it is a grave impropriety for you to address such words to a judge who is presiding over a trial!"

Cornelia rose. "You well know that I did not seek this meeting, Judge Thayer. If it is your idea that you are free to say what you please in condemnation of these men, and that impropriety begins when you hear what you do not wish to hear, then I would advise you to confine your talks to your social inferiors, for I have not been brought up to carry on conversation on that basis."

The pitiful old man had risen, trembling so that he had to hold onto the back of the chair to sustain himself. His voice became shrill—it was like a thin strip of steel. "Mrs. Thornwell, I deeply regret having to say such a thing to you, but it amounts to contempt of court, what you have said to a judge while he is sitting upon a case."

"I will leave your chambers," said Cornelia, haughtily, "and trust that you will refrain from troubling me with further invitations. But I will not fail to tell you what is the opinion of every disinterested person in the court-room—that the scenes witnessed to-day constitute a travesty upon justice, the worst I have ever heard of in my life!"

She started to the door. But even then the old man could not give up. He came hurrying behind her, stretching out a hand that seemed to be palsied. "Mrs. Thornwell! I warn you! You are letting yourself be deceived! You are being used by unscrupulous persons! We are surrounded by criminals, by desperate and embittered enemies of our institutions! You owe it to your ancestry and your heritage to stand behind us—we are trying to protect the community—a public service—patriotic

duty—a desperate danger—arnychists—assassination—conspiracy—" they were snatches of words that Cornelia heard, while she was going down the corridor, not yet out of sound of the shrill metallic voice.

X

Frank P. Sibley was a star reporter of the Boston *Globe*, covering this trial in a special effort to be fair. The *Globe* aims to be what is known as a "family newspaper," and has become one of the wealthiest in America upon a policy of publishing the name of everybody in Eastern Massachusetts not less than twice every year. It gives pages of local gossip from every town and village: "For the Friday evening meeting of the Ladies' Aid Society of the Methodist Episcopal Church a delicious walnut cake was provided by Mrs. Amanda Lubb, who is visiting her niece, Mrs. Peter Bobbs of Scrugham Corners," and so on. Sibley, who contributed to a column of sentimental comment signed "Uncle Dudley," was an old-fashioned Bostonian, having notions of honor and dignity now going out of fashion. He was covering this murder trial as a high civic duty, signing his daily articles, and taking them very seriously.

And here he saw the judge on the bench, forcing himself upon newspapermen, insisting upon talking about the case with them, such an impropriety as had never been heard of. Judge Thayer joining reporters walking back to the court-house from lunch, asking them what they thought of his conduct of the case; telling them of other murder trials he had conducted, and of compliments he had received from justices of the Supreme Judicial Court of the Commonwealth for his skillful handling and exact rulings! Sibley could not tell such things in his paper, for that was not what several hundred thousand families of Eastern Massachusetts wanted to read with their morning codfish balls. But he thought it his duty to write a letter to the attorney-general of the Commonwealth—to which that blue-blood gentleman thought it his duty to make no reply!

Did a rumor come to Judge Thayer? Or was there something in the attitude of the newspapermen which conveyed, even to his obtuse mind, that he was not "making a hit"? Anyhow, he was anxious; and now in that private dining-room of the Ded-

ham Inn where the reporters lunched and discussed their stories, comparing notes so as to protect one another from error, they were surprised to have the judge come up to them without warning and announce: "I think I am entitled to have a statement published in the Boston papers that this trial is being conducted in a fair and impartial manner."

Naturally, the group of men at the table were taken aback. Even a newspaper reporter must respect somebody, and who should it be if not the learned judge of the Superior Court, presiding at a trial which involved the attendance of some two hundred persons, and was costing the county of Norfolk some two thousand dollars per day?

Thayer turned to the star reporter of the *Globe*. "Sibley, you're the oldest. What do you think? Is this trial being fairly and impartially conducted?" And Sibley had to think in a hurry. "Your Honor, I have never seen anything like it." His Honor stood and pondered that compliment. Some little bird must have whispered to him that it would be better to take it at face value; he turned on his heel and walked out of the room.

And now came the cross-questioning of Sacco, with the judge on the bench delivering his elaborate sneer at the defense: "Are you going to claim that your client, in collecting this literature, was acting in the interest of the United States?" The question revealed such an obvious effort to distort Sacco's meaning, and expose him to the prejudice and hatred of the jury, that Sibley quoted the sentence in his story; with the result that during the recess he found himself summoned into the judge's chambers. His Honor took him to task for having quoted such a sentence; no such question had been asked, and the judge had verified it by getting the transcript of his remarks. He presented to Sibley a typewritten record, upon which the question did not appear.

Sibley, of course, was embarrassed, and said that he had written the sentence down as he heard it; he could only assume that his hearing had played him false. He was about to ask if the judge wished him to publish a retraction, when the bailiff entered, announcing that the jury had arrived. The judge entered court, and so did Sibley. Next day, when the actual record of the case was available, the reporter consulted it, and found that it showed Judge Thayer's question, in the exact words quoted in the *Globe!* Five times the old man had asked

that question explicitly, and several times more by implication; but now he had got frightened, and in an effort to cheat the public and hide the truth, he had gone to the extreme of preparing a doctored version of the record, and trying to palm it off on a reporter!

XI

The funds of the defense had run out. A collection was taken among the sympathizers at the trial, and six hundred dollars raised; but that was not enough. Cornelia wrote letters and sent telegrams; then, in one of those moods of mischief which had always been incomprehensible to the Thornwells, she called up her daughter, Deborah, at the North Shore place. "Deborah, there is some trouble, very serious—something I must see you about at once. No, I can't talk about it over the telephone, you must come here to Dedham." She used, as nearly as she could remember, the words by which Deborah had summoned her to Boston. The daughter, of course, thought instantly of Betty and Joe, having always this scandal hanging over her head.

It was a drive of two or three hours, and she arrived about lunch-time. Her mother was waiting at the Dedham Inn, and there was Betty, looking very lovely, though pale and tired—no visible trace of a scandal. But there was a trace of tears in the child's eyes—one does not so easily sever family ties—even during the class struggle! "What is it?" asked Deborah, of her mother.

Cornelia replied that they couldn't talk about it here. "Wait until the afternoon session is over."

"You mean of the court?"

"Yes, my child, I cannot miss this afternoon, there is to be some important testimony. You come with me."

"To a murder-trial, Mother!"

"Surely, if I can stand a murder-trial, my daughter can!"

Mrs. Rupert Alvin had never done such a thing in her life. She regarded courts as vulgar places, and attending them as evidence of sensation-seeking. She might get her name into the papers; she looked around for reporters, in the same spirit as her ancestors in this neighborhood had looked for wild Indians with tomahawks. She met some of the ladies, old and young, who

were aiding the defense, and managed to find something wrong, either socially or sartorially, with every one of them—though she kept her thoughts to herself. "Mother, is there anything wrong about Betty?" she whispered. Cornelia said no, it wasn't that.

They sat in the court-room: Deborah straight as a ramrod, motionless for three hours. Her manner said, Do not assume that I have any interest in this, or that I give it my sanction. She heard Guadagni, journalist and lecturer, telling the story of his lunch with Sacco in Boston on the day of the South Braintree crime. The murders had been committed at a little after three; and from one to two, or later, Guadagni had been chatting with Sacco, discussing the banquet being given by a group of Italians, in honor of the editor of the Boston *Transcript,* who had been decorated by the King of Italy in recognition of his services in getting America into the war. The affair took place that same day—which was how Guadagni fixed the date; Fred Katzmann strove in vain to make him admit that it might have been some other day.

"You know, Mother," said Deborah, when it was over, "those Italians don't think anything at all of telling lies to help one another out of trouble."

"Yes, my dear, I know," said Cornelia. "It's just like the men of our own family, sitting up nights fixing their stories for the Jerry Walker case."

And when they were outside again, apart from the crowd, and the danger of reporters, "Well, what do you think of our boys, Deborah?"

"You mean those two prisoners? Mother, I don't see how you can force yourself to tolerate such people! Dark, sinister-looking—"

"Most Italians are dark; but that doesn't make them murderers."

Deborah shuddered. "I feel the hate in them—something frightful! Those set, intent faces—"

"My child, they are intent upon the question of whether they are going to the electric chair. It seems really important to them."

XII

They went to Cornelia's room in the hotel, and she lay down to rest. Deborah sat up straight. "Now, Mother, what is it?"

So Cornelia told her: "My dear, I have to pain you, I must sell my jewels."

"Mother! What do you mean?"

"The defense has run out of funds, and I am not going to let those boys lose the chance for their lives. I must have some cash, and there is nothing I can think of but to sell my jewels."

"But Mother, how dreadful!" Deborah was shocked into incoherence. The family heirlooms—they were priceless—treasures with spiritual associations—surely the children had some rights!

"You miss the point, my child," interrupted Cornelia. "I want to sell them to *you*."

Deborah said, "Oh!" She looked at her mother—no trace of a smile on the little round face, no twinkle in the soft brown eyes! Deborah said, "Oh!" again, and began to realize that this was another manifestation of that sense of humor which her father had found so untimely. A bit of maternal whimsy had brought a big limousine rolling its stately way from the North Shore to Dedham!

Cornelia proceeded with entire gravity. "Of course I know that some day you will have these jewels, you and Clara and Alice. But meantime, I have to have money for this case. You know Queen Isabella sold her jewels to finance Christopher Columbus—at least, the legend says so. I want to sell mine in a still worthier cause, and I offer you a third share."

"How much money do you have to have, Mother?"

"Five thousand dollars. I have no idea what those jewels are worth—it must be thirty or forty thousand—"

"We are not going to give up our family jewels, Mother, you know that, so don't be foolish. If the money was for you, none of us would hesitate a moment; but it seems so dreadful to us to have you throwing everything away on these anarchists—men who hate our country—"

"Now, my daughter, let us not go into that. I am making you a strictly business proposition. I offer to sell you one-third of my jewels for five thousand dollars. I will give you a formal

receipt, and go to the bank and get them the first day I am in town."

"You know I don't care about that, Mother." Deborah sat, gazing in front of her for a minute. It was clear that she was in a trap, no way out. So with no more ado she went to her handbag, took out her checkbook and fountain-pen, sat at the desk, and created five thousand dollars.

She possessed the power to do that magical thing; she did it frequently—at the board-meetings of orphan-asylums, in homes for the halt and the deaf and the blind, in vestry-rooms and parish-houses of Episcopal churches. The fact that she had such power, and was willing to exercise it, caused a kind of halo of glory to exist about her; it affected the souls of charity workers and superintendents of institutions, of curates and clergymen, so that a trembling seized them when the great Mrs. Alvin swept into the room, their knees went weak under them and almost gave way. Deborah knew of this, and while she pretended to be unaware of it, the pretense was highly artificial; in reality this sense of power was what she lived for and by, and she watched the persons with whom she dealt, and expected them to pay her exactly the right tribute of deference and excitement, and if any one of them failed, then Deborah was incensed against that person—though she always found some other reason for it, the person was too talkative, self-assertive, overdressed or underdressed, anything that wasn't "Boston."

Betty, shrewd little minx, had learned to analyze these manifestations: a fascinating study in psychology, a mingling of worldly glory with Christian humility, a checker-board pattern, black and white, in a woman's soul. To be proud of your money and what you did with your money was the very acme of vulgarity, it was the thing which marked you as the wife of a "lumberman," or a "Pittsburgh millionaire." So you were never proud of your money, you were proud of your lack of pride, of the distance which an assured breeding put between you and your money. You associated yourself with the poor and lowly, because that was your Christian duty; and if the poor and lowly looked up to you, it was because of your Christian virtue, and not because you had the power to turn them out to starve and freeze. If they were really refined and worthy poor, they understood this, and so everything was upon a high plane; it was

God who had appointed all things, and assigned to each his station and form of conduct, and each did what God wished, and felt the emotions which God inspired. Such was the collective soul of Trinity Church in the City of Boston.

XIII

Other witnesses testified to the alibi of Sacco, supporting Guadagni. Dentamore, a bank department manager, had joined them in Boni's restaurant, and taken part in the talk about the banquet which the Italians were giving to the editor of the Boston *Transcript*. A Boston grocer testified that Sacco had paid him a bill on that day; he had his notebook, with the payment entered. Also there was a deposition of a clerk in the consulate, now in Italy, telling how Sacco had applied for a passport on that day; Eugene Lyons had gone to Italy to get that evidence.

There was more alibi testimony for Vanzetti. His friend Alfonsina Brini took the stand and told how he had sold her fish that morning, and brought Rosen to sell her cloth that afternoon. The district attorney was so angry in his cross-questioning that he made her cry; it seemed to him unpardonable that she should have made an alibi for Bart on two separate days, for two separate crimes; he would not realize that Bart had been practically a member of the Brini family, ever since his coming to Plymouth nine years back, and that all the Brinis saw him every day. The district attorney made Mrs. Brini stand up while he read into the record a stipulation to the effect that she had testified to an alibi for Vanzetti on another occasion. The jury was not supposed to know anything about the Plymouth trial and conviction, but of course they did know all about it, and smiled to one another while this statement was read. The lawyer fellows were trying to tie red tape over their eyes, but they would not be blinded!

Another legal hocus-pocus: in order to avoid having the Plymouth conviction brought into evidence, the defense had had to agree not to introduce character witnesses for either defendant. Now the prosecution came forward with a demand that the jury be instructed to disregard all evidence as to the good character of either defendant. So Cornelia Thornwell heard one

of those voices which had cried to her in vain in Plymouth county-jail: not the voice of a ghost, but of the far-seeing Vanzetti! The very trick he had explained to her—his enemies had made a convict of him, and now were using his conviction to cast a cloud over both him and Nick, to send them to their deaths. Mr. Katzmann put on his sternest manner and read to the jury the stipulation:

"The Commonwealth assents to the request of both the defendants that all evidence heretofore offered in the course of this trial to the effect that one or both of said defendants bore the reputation of being peaceful and law-abiding citizens, be stricken from the record of this trial, and that such evidence heretofore offered be entirely disregarded by the jury so that the result of striking same from the record there is no evidence before the jury that either or both of said defendants bore the reputation of being a peaceful and law-abiding citizen."

All in vain the years that Nicola Sacco had worked for the Three-K Shoe Company, earning from forty to sixty dollars a week as expert edge-trimmer, with extra pay as night-watchman for long periods! All in vain those annual gardens full of ripe red tomatoes, and the surplus given to Mr. Kelley, the boss! All in vain the ten dollars a week Rosina had put by, till they had fifteen hundred in the savings-bank, with the record of deposits to show that it had been got by labor, not by hold-ups! All in vain the hard toil which Bartolomeo Vanzetti had performed for the owning class of New England, in stone-quarries and brickyards, on railroads and reservoirs! In vain his years as fish-peddler, the friendship of hundreds of Italian housewives, of little Italian children, so that when they heard of his dreadful fate, they wept and wrung their hands, and would never cease to talk about him all the days of their lives! In vain his plea, "Save Nick, he got the wife and kids!" Again the lawyers made their demands for separate trials, but Judge Thayer stood firm to save the funds of Norfolk County. Ten thousand dollars a week for seven weeks was all two wops were worth!

XIV

A bell rang in the soul of Cornelia Thornwell: last call for witnesses! She knew what was coming, and was not surprised

when Lee Swenson asked her to have lunch with him; nor when he got a table apart from others, and looked about to make sure there was no listener. "Well, Nonna, what do you think of our chances?"

"I don't know what to think, Lee. I have no experience. You must tell me."

"Well, I think that speech of Sacco's finished us."

"Oh, Lee!" Something went weak inside Cornelia, and she lost interest in lunch. She sat, staring before her, while the lawyer went on, lowering his voice.

"One last chance, Nonna. Do you really want to save those boys? In two hours I can fix you a story; you go on the stand and tell it, and it'll cinch the case. You can't imagine how easy it will be—Katzmann won't dare be rough with you—if he did, I could rip him to pieces with this jury. They'll have no time to investigate; they can't take more than a day with their rebuttal witnesses, and that is the end—the case is closed, and anything that comes out afterwards is a joke."

"Lee—don't ask me! Don't ask me!" That was all she could say; he saw the pain in her face, and dropped it. "All right, I won't worry you."

But she could not drop it; she had to argue with him about the case. "Lee, how can they convict men on such evidence? I have kept a record: thirty-one witnesses have said Vanzetti was not the man; twelve others, put on by the prosecution, ought to have known him for the bandit if he really was, and they didn't." She went on, clamoring her protest. Not one of the witnesses who identified Bart or Nick had ever known them before, or claimed to have seen them before; in every case it was a question of remembering strangers; and to American eyes half the Italians in the world looked like Sacco!

"Yes, Nonna," said Lee, patiently.

"And the least time afterwards was three weeks—everybody had three weeks to forget what the bandits looked like! Some, like Goodridge and Pelzer, had nearly a year!"

"It's the jury you have to convince, Nonna—not me!"

"But you must make that clear to them, Lee!"

"I'll do so, never fear. But I can't deny that they are anarchists; I can't deny that our principal witnesses are Italians. Those are the fatal facts."

They sat, with the food on their plates growing cold; something that had happened to them many times. Life or death was in the balance. Should Lee Swenson, in his speech to the jury, stress the lack of evidence against Vanzetti? If he did so, he might get Vanzetti off. But if Lee knew anything about this Yankee jury, they would "soak" Nick all the harder; and Bart had positively forbidden it to be done. Once again he commanded, "Save Nick, he got the wife and kids!"

They groped in the dark, and beat bare hands against stone walls; they heard in imagination those warning voices which were to haunt the rest of their lives. If only they had known this, if only they had done that! They went back to the courtroom, and the case for the defense was closed. And next day the prosecution put on its rebuttal witnesses—one of them Henry Hellyer, the Pinkerton operative "H. H."! He came to discredit one of the defense witnesses, and the bland Katzmann questioned him, serenely sure about those secrets, locked in his head, which would have blown the case of the prosecution higher than a kite. Actually, Hellyer had in his hand the reports he had turned in on his investigations; when he was uncertain, he said, "I can find out"—and he examined his notes, right there before everybody. And the defense had no idea what was in the notes, no suspicion of the chance they were losing! The bland Katzmann turned the witness over to Mr. McAnarney, and that gentleman said, "No questions, if your honor please." The voices of all the future, shouting into the ears of the defense, were heard by no one. Not a single "hunch," not a dream, not a spirit-voice or a telepathic message!

XV

Next morning Lee Swenson and Fred Moore pleaded the case of the defense, and then the bland prosecutor rose to close the arguments. He had four hours in which to apply those arts he had learned during eleven years' service to the Commonwealth; four hours in which the minds of these twelve good Yankees and true belonged to him, to mold and shape as he would.

For seven weeks they had listened to testimony, most of it dull and soporific, obscurely related to the main issue. Lawyers had wrangled, using long technical terms beyond the grasp of

uneducated men. The total amount of testimony was thirty-five hundred typewritten pages, more than a million words. To study them, and analyze their meaning and relationships, to digest them and evaluate them, would occupy a brilliant legal mind several months; and here were two real estate men, two machinists, a grocer, a mason, a stock-keeper, a clothing salesman, a mill-operative, a shoemaker, a last-maker and a farmer. They could not assimilate the evidence, and they would not have either time or opportunity to try. They must make some sort of guess; and one who understood their prejudices could determine what that guess would be.

The wops and most of their lawyers were "furriners"; but the genial and friendly prosecutor was their county official, whom they had elected. For purposes of this trial he called himself "the Commonwealth," and in that guise he could say pompous and magnificent things without sounding foolish. He was honest, and he was conscientious—he told them so himself, in grave and weighty words:

"Gentlemen, there is some responsibility upon the Commonwealth. There is some responsibility upon a prosecutor who produces witnesses whose evidence tends to prove murder. He may think well. He should think long, and he should always have his intelligence and his conscience with him before he puts the stamp of approval of the Commonwealth of Massachusetts upon him as a credible witness before he takes the stand seeking to prove the guilt of men and if proven will result in their death."

From the point of view of prosody that statement could have been improved: but the jurors knew what it meant. This was Fred Katzmann, the prominent and successful, and he would tell them what to think. For example, about Lola Andrews—a distracted, hysterical female, who had stultified herself several times in Mr. Katzmann's presence. Now he told the jury what to think about her: "I have been in this office, gentlemen, for now more than eleven years. I cannot recall in that too long service for the Commonwealth that ever before I have laid eye or given ear to so convincing a witness as Lola Andrews." Concerning Pelzer he told them that the witness had twice falsified, but was "big and manly enough now to tell you of his prior falsehoods and his reasons for them." (The reasons were

cowardice.) Concerning Levangie, who had identified Vanzetti as driver of the bandit car, he asked the jury to believe that Levangie had seen Vanzetti in the car, but thought he had seen him driving when he wasn't!

And then the amazing incident of the cap. There were two caps in evidence—one which had been picked up at the scene of the crime, and the other which had belonged to Sacco, and which the police had taken from his home, after he had been arrested. This latter cap Nick had not seen for fourteen months. While he was on the stand it was suddenly held up, and he was asked if it was his.

Of course the poor fellow did not know what to think; the prosecutor might be playing some trick upon him, getting him to recognize a cap which was not his cap, and then accusing him of lying. All he could say was, "It looks like my cap," and again, "I think it is my cap, yes." Badgered about it, and told to put it on, he finally was brought to say, "I don't know. That cap looks too dirty to me. . . It look like, but it is probably dirt —probably dirty after"—meaning that it was dirty after the police had kept it for a year and shown it about.

That was what Nick said; and now behold the outraged Mr. Katzmann, storming before the jury: "But that is not all, gentlemen. He has falsified to you before your very faces . . . he would not admit, gentlemen, that the cap was his!" Fred Moore interrupted, on behalf of the defense, declaring that this was not a fair account of what was in the record. But Judge Thayer failed to make the facts clear to the jury, and Katzmann went right ahead: "Why, gentlemen, deny the ownership of that cap?"

And then the Proctor incident; a long, detailed argument to the jury, to the effect that two experts had testified that the "mortal bullet," taken from the body of Berardelli, had come from Sacco's revolver. Said Katzmann: "You might disregard all the identification testimony, and base your verdict on the testimony of these experts." And all the time Katzmann knowing that he had framed a trick question, to which Captain Proctor could answer yes, and fool the jury as to what he really believed. Two years later, when Proctor made affidavit to this trick, both Katzmann and his assistant, Williams, made answering affidavits—and they were trick answers, seeming to

deny Proctor's statements, but in reality not denying the essential one!

From half past two in the afternoon until seven in the evening a court-room packed solid with human beings listened to the district attorney deal with witness after witness in that spirit. The Supreme Judicial Court of the Commonwealth of Massachusetts has never specifically declared that a prosecuting attorney must be fair; and Katzmann's successor, five years later, would be cynically flippant on the subject. When it was pointed out how Katzmann had concealed the witnesses Kelly and Kennedy from the defense, because they said that Vanzetti was not in the bandit car, Katzmann's successor would argue before Judge Thayer, as one lawyer to another lawyer: "I wonder if Mr. Thompson has not an exaggerated and too ethical notion of the functions of a district attorney."

But nothing like that now! To this jury Mr. Katzmann was the lover of truth, the noble-minded, upright friend of justice. Also he was the patriot; when he came to the end of a four-and-a-half-hour tirade, exhausted, dripping with perspiration in the heat of a crowded court-room, he remembered that the prisoners were wops, while the jurymen were Yankees. His final words were a call to local solidarity:

"Gentlemen of the jury, do your duty. Do it like men. *Stand together, you men of Norfolk!*"

XVI

Next day was Bastille Day in France, and a new Bastille was built in America. "Web" Thayer mounted his throne and delivered his charge to the jury. The throne was banked round with flowers, gifts from admirers of law and order; and "Web's" discourse began in a lofty and emotional strain, as if affected by the intoxicating perfumes. "The Commonwealth of Massachusetts called upon you to render a most important service. Although you knew that such service would be arduous, painful and tiresome, yet you, like the true soldier, responded to that call in the spirit of supreme American loyalty. There is no better word in the English language than 'loyalty'." Thus again he related the trial with the dead bodies brought back from France, and the patriotic exercises going on all over the country.

In the copy he gave out to the newspapers he added the sentence: "Keep courage, gentlemen, in your deliberations, such as was typified by the American soldier boy as he fought and gave up his life upon the battlefields of France."

The judge was supposed to be guiding the jury through the mazes of technicalities, explaining the law, what they were to decide and what not. He took two hours for his oration, and used more than half of it in legal generalities and moral exhortations. He talked about God and country, state and fellowmen, and the highest and noblest type of true American citizenship "than which there is no grander in the entire world." He talked about the pure waters of the government, "the grandest and noblest in the civilized world," and he talked about "the day that little band of Pilgrims landed at Plymouth Rock." He used up so much time in that way that when he came to the mass of identification testimony, he could deal with it only briefly and in abstract terms. To the alibi testimony of the two defendants he gave only a couple of paragraphs, and without mentioning any witness specifically.

But he found time for an elaborate discussion of "motive" in connection with crime. In great detail and at great length he explained that the motive in the South Braintree crime was robbery—something never disputed by the defense, and therefore needless to mention. The question was, not if the South Braintree murderers had committed murder, but whether Sacco and Vanzetti had been at South Braintree. When the judge proceeded to deal with the wrong issue, it was plain enough that he was throwing dust into the jury's eyes.

And then the "consciousness of guilt," upon which Thayer was to hammer during the next six years of the case! He had deliberately obscured this issue, by blocking the testimony about Salsedo and Elia; and now he proceeded to give more than one-fifth of his time to explaining to the jury what might have been in the minds of two men who lied to the police when they were arrested. The judge who had not mentioned a single alibi witness now found time to deal, point by point, and in great detail, with the testimony of the arresting police officers, and of Mr. and Mrs. Johnson, to whose place Boda and Orciani, Sacco and Vanzetti, had come on the night of the arrest. His charge called up the most dark and sinister images. "If a person is willing

to use a deadly weapon such as a revolver upon an arresting officer in order to gain his liberty, what would you naturally expect would be the quality of the crime of which such person would be consciously guilty?"

And then the testimony about the bullet. Did the judge know about the catch in Captain Proctor's testimony? Solemnly and definitely he told the jury that the captain of the State Police had testified: "It was his (Sacco's) pistol that fired the bullet that caused the death of Berardelli." Two years later Web Thayer would be twisting and turning and wriggling like one of Vanzetti's Christmas eels, to make people think he was denying that he had said that to the jury; but there were his words, and they were false, and they sealed the fate of the two anarchist wops. Had not the great Mr. Katzmann told them, only the afternoon before: "You might disregard all the identification testimony, and base your verdict on the testimony of these experts." To exhausted and bewildered jurymen, looking for a life-line, this was something to hang onto; and they grabbed it. Headed by their flag-saluting foreman, who had said, "Damn them, they ought to hang anyhow!" the twelve good Yankees and true retired to the jury room to deliberate.

XVII

A hot summer afternoon; the jury locked in its room upstairs in the court-house; the prisoners back in their cells in the jail; the judge in his chambers; the lawyers, the court officials, the reporters sitting about the grounds, under the heavy shade trees —the two sides, prosecution and defense, keeping rigidly apart, a miniature war.

Cornelia went to her room in the hotel. She could not sit up; but then she could not lie down; she would get up and pace about, doing odd things, aimlessly. Impossible to read, impossible to think consecutively; if any one spoke, you started; if the telephone rang, you went faint. No one had eaten; the very thought of food made your stomach uneasy. Betty would sit by the bedside and try to comfort her grandmother; she would start to talk about something, and then realize that she was not being heard; they would look, and discover fear in the other's eyes.

How long did juries usually take? Anywhere from an hour to two or three days, said those who had experience. The longer they took, the better, from the point of view of the defendants; so you must not be impatient! But there ought to be some way provided by which the mind could be put to sleep through such an ordeal. But then, no one could say for how long the sleep should be!

"Betty, don't you suppose we ought to see Bart?"

"Nonsense, Grannie dear," said the girl. "You wouldn't know what to say to him, any more than you know what to say to me. Let me teach you the Russian alphabet."

At six o'clock they went out, and strolled toward the courthouse. The jury room was dark—Judge Thayer had ordered the twelve taken to supper. Swenson and Moore were sitting on the grass—in their shirt sleeves, something shocking to the proprieties of this staid New England town. Workingmen might do such a thing, but never gentlemen—unless they came from the wild and woolly west; it was almost enough to convict their clients. They put on their coats and stood up when they saw the ladies coming; they discussed the rumors, which had begun to fly—how the jury looked, what a court officer had been heard to whisper. Lee held Cornelia's arm. "Keep a stiff upper lip, Nonna! There are many legal tricks—this isn't the end!" "Oh, Lee! then you think—" "I don't think—I wait! But prepare for anything."

The jury was back again from supper. The lights were shining in the upstairs room, the shades down. Now and then a shadow moved across. Irresistibly your fancy was drawn to that room; impossible to be in any other place, to think of any other thing. The twelve good Yankees and true would be arguing; now and then they would take a ballot; they would question the ones who disagreed, find out what was troubling them, argue again, cite this detail and that, seeking to change the doubters—but which way? Surely in all that group there must be some who could think—some who could realize the hazardous nature of the evidence—the almost complete lack of proof concerning Bart! But no, Mr. Katzmann had told them that the reason the defense had concentrated its arguments on Sacco was because they considered the case of Vanzetti hopeless! He had said—

"What were you saying, Lee?" The lawyer had made a remark about the swallows; they didn't have that kind in the west. Yes, he was trying to help her, to distract her mind! It was kind of him; he was one of the kindest of men. She said: "Do they fly all night, Lee? Or does the judge order them to bed?" And she did not know that he smiled.

XVIII

It was five minutes to eight o'clock. Suddenly one of the little groups in front of the court-house began to melt and flow into the building. One, and then another. People were going inside! Then loungers about the square began to notice it, people in the corner drug-store; like magic the word spread—the jury was ready! One of the guards condescended to tell the lawyers—the sheriff had telephoned to bring the prisoners over. It took about ten minutes to fetch them; and in that time the court-room was crowded, and half the town of Dedham thronged outside. The doors were locked, the armed policemen guarding them.

The prisoners in their cage; Vanzetti tense, anxious, his brows knitted; Sacco pale, almost green. A deep silence; then came the jury filing in. One glance was enough; every man had his eyes fixed on the floor. Lee Swenson made a gesture of despair. Cornelia saw it; and caught Betty by the arm.

The jury was polled; they answered faintly to their names. Said the judge to the clerk, "You will please take the verdict." Said the clerk, "Gentlemen of the jury, have you agreed upon a verdict?" Said the foreman, "We have."

The jurors rose; the prisoners rose; they stood facing one another. "Nicola Sacco!" said the clerk, "hold up your right hand. What say you, Mr. Foreman, is the prisoner at the bar guilty or not guilty?"

"Guilty," said the flag-saluting foreman. "Damn them, they ought to hang anyhow," added a voice from within him; but the clerk did not hear that.

"Of murder?" said the clerk.

"Yes."

"Murder in the first degree?"

"Yes."

"On two indictments?"

"Yes."

There was a pause.

"Bartolomeo Vanzetti, hold up your right hand. What say you, Mr. Foreman, is the prisoner at the bar guilty or not guilty?"

"Guilty."

"Of murder?"

"Yes."

"Murder in the first degree?"

"Yes."

"On two indictments?"

"Yes."

A look of incredulity was on the face of Vanzetti. He could not realize that this had happened to him. He stood with his hand still in the air, like a statue. The dead, expressionless face of the old judge was gray. "Gentlemen of the jury, as I did this morning, I again offer you thanks for the services you have rendered. You may now go to your homes, from which you have been absent for nearly seven weeks. We will now adjourn."

The bailiff began his familiar formula: "Hear ye! Hear ye!" But now Sacco realized what had been done to him; he shouted above the bailiff: "Sono innocente!" And then to the jurors, who were filing from the court-room, "Two innocent men! You kill two innocent men!"

Mrs. Sacco had been close behind the cage. At her husband's cry she leaped to her feet and rushed to him, and flung her arms about his neck. "You bet your life!" she cried—the only way she knew of being emphatic in this strange tongue. "Oh, Nick! They kill my man!" Her shrieks rang through the room—a terrible moment; women began to weep.

Sacco stood, caressing his wife, trying to comfort her; Vanzetti still like a statue—not a sound from him. But Rosina's shrieks rose louder and louder; she fought away the lawyers who tried to disengage her hands; she was a wild thing, possessed of more than human strength; she thought they were going to take Nick away and electrocute him that night, and the lawyers tried to explain to her the refinements of American law—the appeals and technicalities, the infinitudes of red tape,

the millions of words to be printed and the hundreds of thousands of dollars to be spent. But she only shrieked the louder, "They kill my man! I got two children—what I do?"

Until at last the stern policemen pulled her hands away, and forced her back, and formed a ring with Rosina outside. Quickly they locked the handcuffs upon the prisoners—an old story to the police, American efficiency. Snappy orders, "All ready! March!" Through the door they went, guards outside closing about them, twenty-five men in a solid bunch, guns ready. "Stand back! Out of the way there! Forward, march!" The sheriff's men flung a line across the street, holding the curious onlookers, while down the street into the twilight went prisoners and escort, tramp, tramp, tramp! Anarchists, who do not believe in organization, learn a lesson from the grimly efficient Commonwealth!

CHAPTER XV

THE WHISPERING GALLERY

I

Sacco and Vanzetti were back in their cells: the former in jail in Dedham while his appeals were heard, the latter in Charlestown State Prison, working at his old sentence of fifteen years for the Bridgewater crime. Nick, as usual, had nothing to do all day—a cruel form of punishment; it required tact and sympathy on the part of visitors to persuade him that it was worthwhile to stand on his head and walk on his hands, as a means of not going mad. Bart was now making license plates for automobiles: the one industry which the Commonwealth had been able to save from the grasp of private capital, and which therefore could be used to keep state convicts from wholesale madness. It was not happy work, for it involved the touch and smell of acids, which gradually undermined Vanzetti's health, and made more difficulty for those who lived with him in sympathy.

A black hour for the world, testing the souls of idealists. Famine in Russia; the notorious inefficiency of communist bureaucracy had caused the rains to stop falling—so it was reported by correspondents and explained by editorial writers of capitalist newspapers. Throughout Europe the White Terror enthroned; in Italy banded assassins in the pay of banks and industrialists, murdering the leaders and rooting out every trace of social protest, turning the country over to that ultimate product of natural selection, the beast with the brains of an engineer. Sacco and Vanzetti sat in their cells, and read of these events, and stretched out their hands to the future, whose children they were.

Each in his own way, they would learn to make their appeal to that future. Bartolomeo Vanzetti, dish-washer, ditch-digger and fish-peddler, would learn to write; he would labor all day

at a stubborn and hostile language, and conquer it, and shape it to his ends. He, whose schooling had ceased at the age of thirteen, would make himself a master of letters; he who had never seen the inside of a college building, would write such prose as no living graduate of Harvard had ever achieved; he who was to die as a common criminal, would defend his faith in words of elemental eloquence, outranking anything produced by an American since Lincoln's second inaugural.

It would take long practice. Locked up alone in his cell, Bart would write letters: letters to his lawyers, to members of the committee and friends of the defense; letters to strangers who wrote to him, letters to his anarchist comrades of Mexico, France, Russia. The rules of the institution allowed only two letters a month, but they did not prevent Bart's handing a packet of manuscript to his lawyer.

At first his efforts would be crude; he would be looking up long words in the dictionary, and stringing them together, a kind of Babu English. He would use Italian words literally translated, producing novel effects. He would concoct strange polysyllables, apparently of his own imagining; you would start to smile, until it occurred to you that it might be a new kind of poetry. To Cornelia he wrote: "Even if we will be killed at once by the carnefice, or little by little by the confinement, you remain to hold light the banner of the human vindications, and to accomplished redemption."

And again: "Do not desperate, comrade, of the cruelty of the human events. Out of every little doctrine all too small and inadequate, out of every party, petty and inefficient for the great problems of the human justice and freedom—will ripen the historical nemesy and the inevitable palingenesy."

He began translating passages from Italian books into English, things which interested him, and which he wanted Cornelia to understand; he would take her criticisms and study them, and then try again—a correspondence course in composition, having the added excitement of a race with the executioner. He wrote:

"I was very beneficiated by your last visit and English-lesson. In a letter received to-night, one Friend tells me that my Engish is not perfect. I am still laughing for such a pious euphensision. Why do not say horrible? Nevertheless, I can made a better

translation than the one in argument. I did it as I did for an experiment, to prove if an almost letterally translation is intelligible. I show it to some friends, asking them if they understand it. The answer was 'yes,' while it should have been 'no,' that I might have remade the work with much profit and better result.

"Of course, as the writing is beautiful in its original, and as I labored very much at the dictionary, so I was thinking to have accomplished something worth, and the disillution was, as almost all disillatin, rather cruel. But when a poor one is surrounded by many great difficulties, the small ones appear always a joke to him, and after your visit I found myself in the best of the mood—that is, I was decided to do in the future as much more good than the much bad I did in the past. I analized attentively the original—it is almost impossible intellectual pleasure—which for hours has made me forget myself, the cell, and the other sorrowy things."

II

Cornelia's contribution to the defense was to be a pamphlet telling the story of the case, and summarizing the evidence of the two trials. The procedures that she had watched with horror in Plymouth and Dedham she would now set down in black and white, so that her friends could take them home and study them. In the apartment on the north side of Beacon Hill sat the little old lady all day, her shoulders stooped over a volume of typewritten testimony, and sheafs of pencil-notes scattered over the vacant places in the room.

Betty and Joe came to help, and they sorted and classified and compared, and argued over this detail and that: identification testimony relating to Sacco, relating to Vanzetti, relating to both and to neither; alibi testimony, and refutation thereof; testimony relating to Sacco's cap and to Vanzetti's pistol—where was it Bart had said he had never fired the gun with which he had been arrested? Where was it that Katzmann asked him his reason for concealing the price he had paid for the gun? Betty would search, and Joe would search, and they filled note-books with lists of cross-references. The half-dozen thick volumes of typewritten testimony began to show signs of wear, and had

to be bound more tightly. Precious objects they were, having cost the defense two or three thousand dollars of hard-begged money.

Cornelia was finding that as she grew older she wanted less and less sleep. Life was becoming more precious as its supply ran out, and nature was trying to save every moment. She would awaken at three or four o'clock in the morning, and the details of the pamphlet would come swarming into her mind, she would wonder about this point and that, and presently decide she might as well get up and go to work. So Betty would find her working by electric light, having failed to notice the coming of day. Betty would scold, and try to put her to bed again. Betty would threaten to get up early too, and Cornelia would have to scold. The pamphlet grew to the size of a book, and would have become an encyclopedia if they had let it. Then began the painful process of cutting down and summarizing; and every time they left out a point, it seemed that the life of Bart and Nick hung upon the decision.

Lee Swenson was retiring from the case: he had done his best, he said, and failed, now let some one else have a try. There were tears in the eyes of both when he said good-by to Cornelia. They promised they would never forget each other—little danger of the promise being broken! "Don't worry about the past, Nonna," said Lee; "you did your best." She didn't know what to answer; she didn't know what to think about the questions that haunted her. What would have happened if she had done what Lee wanted? Would she have done it, if she had foreseen the present situation? And what was going to become of a country in which the law was a cheat, and dreamers of justice its predestined victims?

Fred Moore was taking over the case; a lawyer less hated by the authorities, it was hoped—though this proved a delusion. He was younger than Swenson, an Irishman and a fighter, wrapped up in the labor cause; a strange combination of emotional temperament and keen analytical brain; a man who suffered deeply—as all men did who took up the cause of the underdog in America. He, like Swenson, had witnessed dreadful things, and told Cornelia stories of savagery and corruption that made her shudder.

It was Moore's task to prepare the appeal to the Supreme

Judicial Court from the various rulings of Judge Thayer at the Dedham trial. To this end there must be drawn up what was known as a "bill of exceptions" in the case: that is to say, a list of the objections which the defense had made to the judge's rulings, together with the testimony concerned. It amounted to a summary of the case, giving the essentials which the higher court would need; and it was necessary that the defense, the prosecution and the judge should agree to every word. The three parties had to sit day by day at a table, with a copy of the testimony before them, marking the passages to be recopied, and phrasing summaries of the rest. A long, slow job, for which Judge Thayer had allowed from the middle of July to the first of November.

Thayer, Moore and an assistant district attorney did the work. Thayer disliked Moore, but in the course of time he came to hate the assistant district attorney, and to like Moore by comparison, so he chose Moore to talk to about the case. A curious episode: one hot summer afternoon, the assistant district attorney had left the room, and the old judge looked up over the piles of papers and wiped the perspiration from his forehead, and shook his head sorrowfully. "Moore, there are mountains of perjury on both sides of this case!"

"Maybe so, Judge," said the lawyer. "But your side has the most."

The old man did not bother to resent this way of putting it. "I know," he said, "you think those fellows are innocent!"

"I do, Judge."

"Well, I *know* they are guilty."

"How do you know it?"

"Never mind how—but I know." It was the formula of ruling-class Massachusetts, which for six years they would repeat; not in print, not for the public, but in the smoking-rooms of the clubs, in homes or offices, wherever one tried to pin them down and get the facts. "Never mind how—but I know!"

III

It was going to cost eighteen thousand dollars to print the "bill of exceptions"—two elaborate volumes; to say nothing of

lawyers' fees, and office expenses, and the cost of raising the money. You got lists of names—members of radical organizations, subscribers to liberal papers, contributors to charity organizations, members of women's clubs—anybody who might have either a heart or a conscience; you got typists and had envelopes addressed, and prepared a begging circular and mailed it, and then with the money that came in you got more lists and more typists and more circulars—it was the wheel of life.

But the returns did not come fast enough. The case was lagging, threatening to die. The men were in jail, and they stayed there, and the public wanted to go to sleep and forget them—the usual way. Look at Mooney and Billings out in California, exclaimed the young radicals—men whom everybody knew to be innocent, yet they stayed in prison, forgotten—several years already, and it would be many, many more. The friends of the defense were not content to have lawyers pore over the testimony and appeal to a court without a heart; they wanted to dramatize the case, to find new evidence, to break down the witnesses of the government, above all to catch the real criminals, who had done the murders. They wanted to have mass-meetings in the cities, to have the story of this Massachusetts "frame-up" told to labor audiences. Naturally, it occurred to them, what an impression if a lady of Mrs. Thornwell's respectability and prestige would take the platform! They wanted Cornelia to go to New York and address a meeting; and when she realized that there was no other way to get the indispensable money, she consented.

So then, more distress among the Thornwell clan. They had thought the limit was reached when the head of their family defended "anarchy" at home; but to go outside the Commonwealth, and attack its courts among strangers—that was really treason. Deborah came and protested with all her dignity; when that was in vain, Alice quit her "rest-cure," and threatened to go completely insane; when this too failed, there was a family conference, fully as agitated as those of war-time. Great-uncle Abner insisted upon being brought. Because it was no longer possible to make him hear a word, they had to write out the proceedings for him; and every now and then he would punctuate the debate with his booming formula: "Lock her up!"

They turned the matter over to Henry Cabot Winters, because of his sense of humor, which they did not understand or like, but which they knew was the only hope. Rupert would put the information department of the Pilgrim National Bank at Henry's service, and would himself call upon the representative of the Federal secret service in Boston. Henry would see the district attorney, and all together they would make a real effort, and pull the poor distracted old soul out of this mess.

Henry went to the telephone and called up Cornelia, who was not supposed to know about this conspiracy, but could guess. When she heard that her son-in-law wanted to be invited to dinner about a week from now, she laughed. "Are you going to bring that information you have been promising?"

"If it isn't too late, Mother. I know, I have neglected you—but I've been so frightfully busy! Now we've got another extension on the Jerry Walker case, so I have a little breathing space. If it's not too late, I really would like to take a week off and see what I can find out about your friends and their problem."

"That's very good of you, Henry; but you know we have no way to pay for such distinguished legal services."

"You pay with your company, Mother. We are growing some dewberries on our place that are as long as your thumb, and I will send you a supply in the morning, and you can have them made into a short cake or a cobbler or whatever you fancy; and I'll bring a bottle of Madeira—the real thing, because I am the only person that knows the combination to the vault!"

IV

Cornelia did her own shopping. She got a live and lively lobster, done up in a strong paper bag, with two holes in it so that he might breathe; like a condemned man, he must be kept alive till the moment of his execution. She got a small chicken, and some green peas, and a head of lettuce, and climbed the hill with them in a little basket, smiling to herself—it was old, *old* "Boston"! The Negro maid was a-flutter, and Cornelia was a-flutter—treating Henry as if he were royalty. The remarkable dewberries had been brought by the chauffeur, each wrapped separately in tissue paper, to keep it from a bruise; they now

reposed in whipped cream and sugar, on top of a thin flaky cake.

Exactly at the moment of seven-thirty came the great lawyer, dressed as if he were the principal orator at a banquet of the bar association. Treating Cornelia as if she were royalty; and yet smiling at himself, and at her—it was a game you played, and you did not take it too seriously, yet you must take it seriously enough; it was a way to make life worth living, to save yourself from beastliness, cruelty, and despair—the latter, especially, always reaching after you. Cornelia did everything a perfect hostess must do, and thinking to herself, "I have not escaped from the family! I never will escape from the family!"

Henry liked a good dinner, just enough to make it worth while to fix it for him, yet not enough to be gross. He praised everything, purposely while the maid was in the room, so that she stood, transfigured into a double row of shining white teeth. It was picturesque to have a mother-in-law who lived in a tenement; it was elegant to know that she was just as completely a lady, and served just as good a dinner, as if she were on the other side of Beacon Hill. All this stayed in the background of your thoughts, and upheld you in the hours when you thought about your hysterical wife, and your son who had the constitution and structure of a marshmallow, and your money-making, which brought you law-suits and scandals.

They sipped the real Madeira, and gossiped about amusing aspects of family life. Quincy Thornwell, incorrigible bachelor, had been smitten by the widow of a banker, killed in the war; would she have him, and what would they do with her three children, and what about the family, the new cousins and "in-laws" that would be added to the Thornwell clan? Andrew Alvin had been thrown from his polo-pony and got a broken shoulder; a man in his forties, Andrew's one idea of happiness was to ride a horse as crazy as himself; they had made him master of the hunt in one of the suburban towns, where the smart set dressed themselves in pink coats and shiny leather boots, and rode at daybreak on autumn mornings to the music of horns, and paid enormous bills for damages to farmers' crops. A certain fast-riding young lady was "setting her cap" at Andrew; her father had made many millions out of war-contracts, and now they were trying to "break in" upon the

blue-bloods. Would Andrew condescend or wouldn't he? It was typical blue-blood conversation.

V

With Madeira warming his stomach and the smoke of a cigar warming his head, Henry Cabot Winters sat by the open window, the sound of children shouting in the street below helping to make privacy for conversation. "Well, Mother, I have been making a few inquiries about those adopted sons of yours. I've brought some documents." He pointed to a leather brief-case, stuffed to capacity, which lay upon the sofa.

"Well, Henry, what did you find?"

"They had a cache of dynamite, and on the night of the arrest they were getting Boda's car to move the stuff to a safer place."

"How did you learn that, Henry?" Cornelia tried to keep her tone playful.

"Needless to say, men who make and plant bombs to destroy their enemies do not invite me to their meetings. I have no first-hand knowledge of the fact—"

"Let's cut short the preliminaries, Henry. You have been talking to the police, and that is what their under-cover agents have brought them. Did they tell you that Rosina Sacco once had her husband in court for failure to support her?"

"No."

"That's another of the stories they are circulating; I can tell you a dozen, if you're interested. They say the fifty dollars poor Bart sent to Tresca to help pay Salsedo's lawyer was part of the loot of the South Braintree crime. But I happened to know that Bart had saved up about four hundred dollars out of his fish business. Tell me, do your police friends know what became of the sixteen or seventeen thousand dollars those bandits got?"

"They tell me it went to Italy, Mother."

"I see! When they started out, they were sure it was in Coacci's trunk. When they didn't find it there, they decided it was buried in Sacco's garden. Now, they say it went to Italy. Have they given you any real evidence about it?"

"No, Mother."

"Well, then, the situation is this: all the resources of state and Federal secret service have been used, and they have never been able to find that the group or any individual connected with the group has had any unusual amount of money, or has spent much money for anything; they have not one trace of a clew. Poor little Boda, whom they call a payroll bandit, had a car that was in hospital all winter—"

"That wasn't the car he drove, Mother."

"Can you prove that he drove any other car?"

"There is reason for believing it."

"Well, it wasn't a good enough reason to be put before a jury. Web Thayer threw Boda out of the case—but now you bring him back! I knew him well, a friendly little fellow, a salesman of macaroni—"

"Is that what he told you, Mother? He was a salesman of whisky."

"Really? Well, that explains one mystery in the case—why Mike Stewart couldn't find any of Boda's macaroni customers! That was why Mike became suspicious. But now we have a perfectly respectable explanation—surely you, Henry, cannot blame Boda, since you buy whisky!"

"Not Boda's kind, Mother!"

"Well, you haven't come to argue about prohibition, so let me see what you've got in your brief-case."

VI

There was a reading lamp on the table beside Henry Cabot Winters, and it threw strong shadows on his fine dark features and thin, sensitive hands. Cornelia noticed that the hands trembled as they drew out the documents. Was it the toll the competitive game was taking from the great lawyer? Or was it that he cared so especially about rescuing his mother-in-law from a career of crime? Cornelia watched with curiosity what came out of the brief-case: quantities of typewritten stuff bound together, reports and correspondence. Henry would no doubt be able to get access to secret service records; or Rupert would get them for him. Would it be ethical to ask him for answers to some of the problems which had been tormenting the defense?

Cornelia saw some red-bound pamphlets, then a red-bound

book. "Is that some of the literature Vanzetti had? Or some they got at Sacco's house?"

"They didn't get much at Sacco's, Mother; somebody had burned most of it. I am told the defense lawyers wanted some, and all they could find was a four-volume technical work on the chemistry of explosives. Is that so?"

"You have come to bring me things, Henry, not to get them."

"Yes, but you ought to meet me half way. You don't really *want* to be fooled, do you?"

"Not in the least, Henry. I want all the real knowledge I can get."

"Let me ask you, did you ever sit down and think seriously and honestly whether it might be possible that these men had connections with the fighting crowd?"

"Are you talking about bombs now—or about banditry?"

"Let us begin with bombs."

"I have lain awake many a night debating it with myself. About Sacco I have to say that I don't know; I never knew him well enough—and of course I can't find out now; one does not talk about such things to him or to his friends. But I really knew Bart, and I try to imagine him committing an action that would destroy human life. He would have done it in a moment of rage against social injustice; he talked violently, and he would have fought the police on the picket-line, I am sure, and killed them. But to prepare in cold blood to blow a man up with a bomb—I try to imagine it, and it simply cannot be done—it is not my Bart any longer. I never knew a man who had more tenderness and pity."

Said Henry, searching among the papers, "I have a curious document, a letter from Vera Figner, the Russian terrorist, in her own handwriting; I can't read it, of course, but there's a translation attached. She is telling about her days in the Schluesselburg Fortress, and how she walked with another girl prisoner in the courtyard, and noticed that this girl would turn aside now and then from the path. When Vera Figner asked her why, the answer was that she could not bear to step on the bugs and other creatures in the path. Is that your Bart?"

"It might be." Cornelia smiled.

"Yet this girl had blown up human beings with bombs, and

had done other acts of desperate cruelty. She did them for the cause."

"Yes—and I have to remember that Bart had seen just as dreadful evidence of class tyranny in America as that girl had seen in Russia. So I say: 'It might have been. I cannot be sure.' But you know, Henry, I lived in a crowded little place with him for over a year, and I never heard—"

"Your hearing was handicapped by the fact that you didn't understand his language, Mother."

"That it true. I learned to understand simple things, but not political discussions, of course."

"Did you read his literature?"

"No, only what he translated to me."

"In other words, what he considered proper for you to know—the sentimental and idealistic part. Did you ever see a book called 'Faccia à Faccia col Nemico'—that is to say, 'Face to Face with the Enemy'?" And Henry held up a thick book, bound in red paper covers.

VII

The little room in the apartment on the north side of Beacon Hill vanished, taking with it two years and a half of tragic history. Bart was a free man, selling fish in Plymouth, and Cornelia and Betty were paying him a visit, a few days before Betty's sailing for Europe. There came two Italians with a motorcycle and a side-car, Coacci and Orciani, bringing a heavy package which Bart showed to Cornelia, with a twinkle in his dark eyes, saying that it was a bomb. He opened it, and showed her what he called "mental dinnameet." "I take heem queek, I get him distriboot, never let polissman get heem, giammai!"

"Yes, Henry," said Cornelia, "I have seen that book."

"Bart's group were the publishers of it, were they not?"

"Yes."

"But you never read it?"

"No, Mr. Katzmann!"

"Mr. Katzmann is relieved to hear you say so. It is a dreadful book, Mother."

"I know that it contains the life-stories of various anarchist martyrs. They were fighting for liberty in Europe, Henry—"

"Yes, if you insist—for liberty of a sort. But the point to get clear is, they were fighting with bombs and the assassin's dagger. Without exception, they were men who did such terrorist acts; and all of them were idealists—many of them men of fine personal morality—who wouldn't eat meat, or would step aside to avoid killing a bug. They correspond in every way to your boys—with the single exception that they admitted their guilt, and boasted of it."

"A considerable difference, Henry."

"Not when you consider the special circumstances. There is no hope for a revolution in America, but there is hope in Italy —or there was two years ago; so America is the place where money is collected, and Italy the place where it is spent."

"You are talking about banditry again, now?"

"I am talking about both; for they are mixed up together in this book. I felt sure you hadn't read it, so I had some translating done; a few passages that are crucial I took the trouble to verify myself, looking up word after word in the dictionary, so that I could assure you I wasn't being fooled by the police."

"That was very patient of you, Henry." She saw the deep anxiety on the face of her son-in-law, and understood that he had come to wrestle with the powers of darkness for her soul.

"Here, for example, is a passage from the introduction. It tells us that these martyrs are worthy of emulation, and that we must not let the world's disapproval influence or frighten us. Listen:

" 'To the latest critics of anarchism Ravachol appears a detestable degenerate; Caserio an epileptic or a paranoiac; Bresci a desperate self-destroyer. . . . But to the modern free people the enormous importance of individual acts of revolt remains unchallenged as a promise and a symptom. . . . Such acts are the thousand year stones of the great revolution; the first abrupt, short-lived sparks which the ashes of indifference easily cover and preserve, to be revived stronger than ever by, and added to, the great fire of freedom.'

"Now, Mother, why do men write and print and circulate words like that, unless they mean what they say? Read the book, and you discover that Ravachol was a bandit-anarchist; he made a business of robbing the rich and giving the money

to the poor. He was scrupulous about it, never keeping a penny for himself."

"I never knew Ravachol, Henry, but I do know Bart and Nick, and the idea does not fit them—it is unthinkable." And she added: "I am arguing against violence on both sides, Henry; and neither will pay attention to me. Which side do you think ought to begin—those who have everything they want in life, or those who suffer misery and outrage?"

VIII

Henry Cabot Winters was not interested in pacifism; he was turning over the pages of the red-bound book. He got up and came over and laid it on the arm of the Morris chair in which his mother-in-law sat. "Look at that!" he said. "A diagram of one of the bombs used by the assassins. Is that strictly historical information? Or is it literary? Don't you think it possible that the men who printed that picture might have had in mind that bombs could still be made that way? There are nearly five hundred pages of such stuff, Mother."

"My guess about the matter would be this, Henry: that Vanzetti was the despair of his group—he could not follow along. He would have been torn between rage and pity—just as I am."

"Here is 'Fight for Your Lives.' Here is the leaflet, 'Plain Words'—an outrageous thing, widely circulated. I am told, Mother, that when Swenson and Moore went over Vanzetti's anarchist books to get some exhibits for the jury, they had to reject many because they were too violent. They ventured to use others, only because the jury couldn't read them. Maybe you know if that is true."

"Maybe I do, and maybe I don't, Henry."

"Don't worry, Mother. This is a family matter."

"Go ahead and tell me what you know."

"I know that those fellows were up to some devilment the night they were arrested. They told a tangle of lies to the police—"

"You must know what had happened to Salsedo and Elia, Henry."

"Yes, and it was a good reason for lying that night. But why go on lying for a year afterwards, when they knew what they

were arrested for, and knew their lies had all been nailed down? Why go on lying to their own lawyers? I am told that Swenson and Moore couldn't get the truth out of them at any time—and we don't have to rely on police spies for that, Mother, it is in the record. Were you there the day Tom McAnarney cross-examined the couple—what were their names?— Sacco and Vanzetti came to their house the night of the arrest."

"The Johnsons. Yes, I heard that."

"Well, the cross-examination aimed to show that the Johnsons weren't sure about recognizing the men. In other words, Sacco and Vanzetti were going to deny they were there, and only after the trial started did they decide on the other story—that they had been hiding anarchist literature. I am told that the men's own lawyers know they were hiding dynamite—the men have admitted it."

"All I can tell you, Henry, is this—if it's true, the lawyers haven't told me."

"They wouldn't. But here's another story—that Lee Swenson tried every way he knew to get you to make an alibi for Vanzetti; he didn't give up until the very last day of the trial. Is that true?"

"I told you I wasn't going to answer questions, Henry."

The other smiled. "That is answer enough, Mother. But don't worry—nobody is going to get anything out of me. And don't imagine I am being shocked—I know the game of criminal law."

Said Cornelia, "I have heard that some of our blue-blood lawyers have been known to frame testimony."

"Yes, Mother, I have done it, more than once—when I was good and sure the other fellow was doing it. I am not after Lee Swenson—I am just trying to convince you that those two adopted sons of yours are not sentimental pacifists and saints."

"I never thought that of them, Henry."

"Well, it's what your literature is telling the public. You are collecting money on that basis, from persons who wouldn't give it on any other."

"I am telling the public I believe the men to be innocent of the crime of which they have been convicted; that I attended both trials, and consider them travesties of justice. That is all I can tell, because it is all I know."

"Not quite all, Mother—if you will pardon me for reminding you. Will you tell the public what doctrine these men taught? Will you say they circulated books calling for bombings, and giving diagrams of bombs?"

IX

There was a long silence. At last Cornelia said: "The public is ignorant. It believes that men who had anything to do with dynamiting would be apt to engage in banditry, and ought to be executed anyhow. To admit the possibility of dynamite means death. But surely, Henry, a lawyer can distinguish. Also you can see that it is impossible for me to establish a negative—to prove the men's innocence. It is not enough for you to show a possibility—even of dynamite! You must bring real proof."

Henry smiled. But then, noting a tear on the old woman's cheek, his tone became gentler. "You don't like to hear that your anarchist friend may have deceived you, Mother?"

"No, my son, not that at all. I know Vanzetti so much better than you could imagine—it is as if he were sitting in this room, listening to the conversation, and explaining matters to me. When I face the idea that he may have associated with terrorists, then I think, not that he deceived me—of course he would have had to deceive me, for his friends' sake, if not for his own. What I think is, how he must have suffered—more even than I guessed!"

"The persons who were blown up with bombs also suffered, Mother."

"Yes, I know, and that is what the world thinks of, inevitably. The bombs were aimed at members of our class, and they were highly inconvenient. But you see, I have been trying to understand both sides; to find out, not merely how bombs are made, but how bomb-makers are made. While you hear dynamite exploding, I hear policemen's clubs falling on strikers' heads. Don't forget, I was on the picket-line, and heard that sound, I saw such crimes committed, I said to myself: 'Never again will I blame these workers for anything they do!' I said 'anything,' Henry—and now I don't forget that I said it."

"I know, Mother—"

"You don't know! You haven't the remotest idea! You can-

not dream what it feels like to be down there in the social pit, stamped upon by the hob-nailed boots of policemen, and the iron-shod hoofs of horses! To have clubs splitting your skull, or beating your flesh black and blue! Remember, I saw Vanzetti carry a half-conscious man off the picket-line, I sat by while he bathed the broken head, I saw him weeping, I heard him babbling like a child, incoherent, hysterical, with mingled grief and rage. He has that temperament, he suffers more than either you or I do—he cares—that is the difference, he really cares! You and I care whether we have our dinner in proper style, whether the Madeira is real or not, whether the lobster was alive or not, whether the chicken is the right age and the salad dressing sufficiently solid, whether we have got on the right costume and the right tie, whether we hold our knives and forks the right way, whether we make a sufficient display of worldly cynicism, whether we are sufficiently skeptical about all enthusiasms, sufficiently dead to faith, hope and charity—"

"Now, Mother!"

"I know, you bring me facts, Henry—take a few in return! I could go over our conversation point by point, every remark we made about other people and about life, and that would be it. Last week it was Quincy sitting there, and he told me all the latest from Mrs. Jack's sickroom; they came to ask for a contribution to the Charitable Eye and Ear Infirmary of Boston, and she said, 'I didn't know there was a charitable eye or ear in Boston.' That is our wit, Henry, the tone of our world. We are raising our young people on it—and then wonder why they are going to the devil!"

"You are setting me a large problem now, Mother."

"No problem at all! We are living off the labor of these wops whom we despise, and hold in order with clubs and bayonets. Think of it, Henry—that man whose head I saw split open was getting nine dollars a week to keep a family on, and his crime was that he was asking twelve. We women were getting six dollars a week, and our crime was that we were asking eight—and Vanzetti's crime was helping us! There was the greatest and richest cordage concern in the country—their net profits that year were nearly three million dollars! Think of the families we know who are living off those profits, doing nothing else, unless they choose! Think of the imbecilities—one collect-

ing butterflies and one collecting pottery, several getting drunk, one doing charity—God save his soul, he is running a mission for newsboys just down the street here, and keeps it in a place over a pool-room, a hangout for pickpockets and pimps, where every now and then they hold a prizefight! But if you talk to cordage stockholders about going among their working-people and living with them, becoming real leaders and guides and friends, spending the surplus product upon a system of training in self-government, so that industry may become democratic without revolution and violence—if you should talk about that, they would say you had very bad taste, and stop inviting you to their dinner-parties!"

X

The little white-haired old lady had got up from her chair during this stump-speech. She was walking about, and had made several gestures—a consequence of having been so much among the wops. The poor soul was bound to be humiliated, having the truth pointed out to her; she would have to excuse herself, and blame somebody else—it was human nature. Henry Cabot Winters understood psychology, and sat patiently, waiting for the storm to blow over.

Cornelia began telling the story of Sacco, as Sacco had told it to her. He had been in the Milford foundry strike, and had been knocked down on the picket-line, and then thrown into jail. The police had followed their usual tactics of knocking down wholesale, for the purpose of breaking the courage of the workers; it was all that anybody in New England knew or thought about industry, it was the "American plan"—so said the widow of the late Governor Thornwell, pouring out her bitterness. "And remember, Henry, while you are bringing your indictment against these wops, they learned their anarchism right here in New England. Nick was a perfectly ignorant working-boy when he came, and Bart was a religious dreamer, slightly touched with utopianism. If they became militants and terrorists, we taught it to them!"

"They learned it in a foreign language, Mother; and certainly they followed foreign models."

"That is true enough. But men don't act upon what they read

in books, they act upon the realities of their daily lives. The principal fact in Bart's life for the past few years has been the war. The capitalist system was trying to put him into a uniform and send him out to kill his fellow-workers; and he was resisting with all his power. To abolish the slaughter of workingmen for the profit of masters—that has been his leading thought, ever since I have been his friend."

"Does he expect to stop war by blowing people up with bombs?"

"Militant anarchists do; they think that if enough workers would resist, forcibly, to the death—if enough of them were willing to be martyrs—the capitalist class would lose its pleasure in exploitation. Whether that is right or wrong is another question—but that is what the militant anarchist thinks. And watching the thing as I have done, it seems that you men who are running our country want to prove him right, because you shut off every avenue of redress and hope. You corrupt politics, so that it is a piece of rusty junk instead of a running machine. You make the law into a net of red tape, in which the worker is tied hand and foot. You make the newspapers a mess of falsehood and sensation. Your colleges are busy turning young men into quick climbers. Your churches have no time for social justice—they are turning prayer-wheels and saying magic words—"

"In short, Mother, there is nothing left but dynamite!" There was a touch of acid in the great lawyer's tone; it was getting to be a very long stump-speech.

"There are two things for the rebel, Henry; one is to die suffering, and the other is to die fighting. I try to persuade them that the former is more effective in the long run, but I can't always get them to see it. Sometimes I imagine there is a pleading look in Bart's eyes, as if he would like to tell me that he wishes he had taken my advice."

"Yes, I know," said Henry, "we are familiar with the fact that men are militants until they get caught, and pacifists afterwards. It is the purpose of jails to effect that transformation."

XI

This duel of moral forces continued until the arrival of Betty and Joe, who had been to a theater, and then walked home.

Betty had been told that her uncle was coming, and she had had no trouble in guessing what for. When she and Joe entered the living-room, and saw the little white-haired old lady in the Morris chair, looking so anxious and strained, and the great lawyer completely surrounded by an array of documents, it seemed to Betty that the combat was one-sided. "Well, Grannie dear, has he succeeded in convincing you that our boys are bandits? Or is it dynamiters they are, Uncle Henry?"

"Henry," said Cornelia, "these young persons are so clever I cannot keep anything to myself."

Said Betty, "The efforts of my family to keep me in the nursery at the age of twenty-three are mysteriously unsuccessful! I suppose Father and Uncle Henry have been interviewing the police, and getting all the dirt on Bart and Nick. Let me tell you some, Uncle Henry—I understand that Captain Proctor interviewed all the witnesses, and told Mike Stewart he had got the wrong men, and wouldn't have any more to do with the case. Is that true?"

"I haven't talked with Proctor," said the lawyer.

"Well, you could help us so much, if you only would, Uncle Henry. I'm told that Chief Gallivan of South Braintree says the whole thing was a frame-up. Make him talk! Make Katzmann give us the address of Roy Gould, the man who got a bullet through his overcoat. And those witnesses that Mike Stewart had at the Brockton police station—surely our good uncle who loves us ought to get their names!"

The "good uncle" continued to wear the genial smile which was part of his stock in trade as man of the world. He was interested in the phenomenon known as the "new generation." He looked at this vision in pale blue chiffon, with a little basket of blue straw turned upside down on her hair cut like a boy's; her cheeks shining from a long walk, apparently without the artificial aids which were coming to be the fashion, even among the blue-bloods. An amazing thing that a girl with such charms, who might have gone anywhere, should be devoting herself exclusively to Bolsheviks!

Said Betty, as fast as her thoughts: "Grannie, you look tired; you have been worrying! Is it because the police say the money went to Italy, to make an anarchist revolution? Or have

they found out how Bart and Nick were hiding dynamite the night they were arrested?"

"You seem to be well informed, my dear niece," said the lawyer.

"Some day, Uncle Henry, after our boys are on the street—or in their graves, whichever it is—I'll tell you what I know about the Sacco-Vanzetti case, and you'll think you are listening to the memoirs of Mata Hari, the international spy. Your dear niece has become the super-sleuth of the social revolution—if the movie people knew what I have, Hollywood would be a deserted village, and studios would rise on the shores of the Back Bay. It is my job, when the police send a new spy, to get him alone and remind him that he is an Italian, and get him to tell me what he has told the police. Do you know how they found the maps of Sacco's buried treasure in Lee Swenson's trash-basket, and had three men digging in Mr. Kelly's garden one whole night?"

Henry Cabot Winters still wore his smile; but it was not in his voice as he said, "My niece does not seem to be much horrified at the idea of blowing people up with bombs."

"Uncle Henry, to be blown up with a bomb seems to me a nice clean experience, compared with things I saw in Europe, caused by the greed of elderly statesmen whose shirt-fronts were entirely covered with ribbons and decorations."

"So then, because statesmen blundered—"

"Blundering had no part in it, Uncle Henry—they knew exactly what they wanted, and they took it. It is the organized greed called patriotism that I'm talking about. And while I'm sick of all kinds of killing, it is the men who kill for greed that I am out to get. Those who kill for a cause, no matter how mistaken—those who risk their lives for the good of the workers—seem to me to shine with a bright light in comparison."

"That halo extends to bandits, my dear niece?"

"I will answer you, Uncle Henry, that small bandits break the law and are punished, while big bandits make the law and go free."

Cornelia thought that conversation had gone far enough. She knew exactly what Betty had in her mind—the Jerry Walker case. In a minute more, the child would be referring to it! "Betty dear, if you love me—"

"Love you, Grannie? I love you enough to let you think your own thoughts and live your own life, which is more than anybody else will do for you. I love you so much that I will suppress my combative impulses, and show respect to my elders. Uncle Henry, you want to know if I think Sacco and Vanzetti ever did a job of banditry. If I knew, I would tell you; but of course nobody really knows, except the men who did the job. The spies who bring tales to the police are earning their livings by pretending to know what they only guess, and the evidence they bring is not fit to hang a dog on. I can only estimate the chances. I have tried with all my might to picture Bart and Nick committing such a crime, and I cannot do it—the idea is preposterous and unthinkable. And this much I really do know—this I would die for—they never were proved guilty, and their trials were a shameful and wicked farce. Now, is that a respectful answer, Grannie?"

"Yes, dear—"

"All right; and if it won't be presuming, you look very tired, and I think we ought to adjourn and talk about something cheerful. May I tell them the news, Joe?"

Joe Randall, who realized that he did not have even the status of an "in-law" in this family, had retired to a corner of the room and lighted a cigarette. "It's all right with me," he said.

"Well, Joe has a telegram advising him that the divorce decree has been made final, so to-morrow we are going to be married, and the shadow of the great scandal will be lifted from the family, and we shall no longer get poison-pen letters in our mail, and Joe won't have to go off to his own place when he brings me home from the theater, for fear one of my relatives will be shocked by the sight of him staying here."

Henry Cabot Winters rose with his most courtly manner. "Permit me to be excused, and not inconvenience you!"

"No, no, Uncle Henry, it's an old story to us, we have been a scandal for so long that we shall miss it. At least I shall—Joe will be relieved, because at heart he is an old-fashioned Virginia gentleman—look at him blushing!"

Yes, Joe was blushing! It made him cross as the devil that Betty insisted upon placarding their love affairs before the family. He knew why she did it, of course—she was deter-

mined not to be ashamed of what she was doing—she would not let them put her on the defensive—her love was just as true as if it had been blessed by a clergyman. But all the same, no man likes to be made to blush!

Henry Cabot Winters behaved with the extreme of gallantry. "Permit me to offer my congratulations," he said, and held out his hand to the bridegroom. The family solidarity was going to be preserved, in spite of everything!

Cornelia had her Bolshevik granddaughter in her arms, and was weeping on her shoulder in orthodox family fashion. Betty too had tears shining in her eyes—a reaction from the strain they had just been under. Women, who have been but a short time emancipated, do not defy and insult the mighty males of their clan without terrific inner disturbances. They wouldn't admit it, of course; they would pretend they were crying over the end of a trial marriage! "There, there, Grannie!" said the trial bride. "Our scandal is over, and it wasn't half as bad as you imagined. Joe and I have had all our domestic quarrels in advance, so we can have the fun of a wedding without any of the grief."

XII

The marriage of Elizabeth Thornwell Alvin to Joseph Jefferson Randall did not take place in Trinity Church in the City of Boston, and there were no little flower-girls strewing roses in the aisles, nor bridesmaids with large drooping hats, companioned by stern-faced ushers from Harvard. Not all the influence of the Thornwells could have persuaded the rector of Trinity to marry a man who had allowed his former wife to divorce him without that scandal which Episcopal Church ordinances require; neither would the rebel Betty have consented to be made into what she called a "holy show."

The event took place in what was known as the "Community Church," a gathering place of eccentric persons who worshiped the ideal of brotherhood embodied in the personality of "Comrade Jesus." As this ancient Hebrew agitator had been born in a stable, his followers had purchased an old garage on Beacon Hill, and made it over with whitewash and lively red

and blue paint, with stairs going up the side, and a gallery running all the way round, leading to offices from which spiritual dynamite was mailed out to the indignant respectability of the Back Bay. The pastor was a new style Christian with a sense of humor, willing to marry a young couple whose scandals did not conform to canon law.

So, on a warm afternoon of early autumn there appeared several automobiles in front of Number 6 Byron Street, and there entered Betty and Joe and Cornelia, with half a dozen other rebels old and young, and as many wide-awake and observant young men, who came to make certain that a member of their profession did not marry the daughter of the most powerful banker in town without a proper front page send-off. Some of them carried black boxes, and the "Red" bride and groom were lined up with the "Pink" pastor in the center, and there was a clicking of shutters, and a cry of "Once more, please!" A distressing scene to relatives of the bride, who had come in a vain effort to confer respectability upon the occasion.

An extraordinary moment for the Community Church: the president of the Pilgrim National Bank and his wife in attendance, dressed exactly as if for a real wedding, and holding themselves sternly erect, unaware of the existence of newspaper photographers. Also the older sister of the bride, Mrs. Priscilla Alvin Shaw, descending carefully from her motor car, clad in the voluminous garment known as a "maternity gown." Also Aunt Clara Scatterbridge—without even having been invited, but determined to do her part to maintain family solidarity, and hush the voice of scandal. This wedding, while unorthodox and unesthetic, was legal; so the horrible black shadow would be lifted from the Thornwells! No more poison-pen letters, no more whispers in Back Bay drawing-rooms! The escutcheon would be wiped clean—and the family was so relieved, it would accept any kind of performance, in any kind of made-over garage.

The bridegroom being a newspaper man, his colleagues would be loyal to him; those who happened to know that he had had a former wife, would not mention it. They would "play up" the note of social drama—the press agent of the Sacco-Vanzetti Defense marrying into the sacred Brahmin caste! The young couple were going to spend their honeymoon

in a factory, getting first-hand information as to the lives of the workers; the daughter of the most powerful banker in Boston had actually got a job in a paper-box factory, at a little less than two dollars a day, and promised to live on it for a year!

When the reporters actually got upon the scene, and witnessed the big shiny limousine of the Alvins, with a chauffeur in uniform, and an equipage equally costly for the bride's sister, and yet another for an aunt—only then did they realize the explosive power of the story. This wasn't merely a local story, this was an "A.P. story"! The reporter for the Hearst paper had an inspiration: it was a "sociological marriage"! A Hearst reporter would not hesitate to tackle Jehovah himself, if he could get into heaven; so he walked up to the great banker and asked him for a comment upon his daughter's honeymoon. The haughty Rupert looked straight over the young ruffian's head—he was tall enough to do that. But alas, the mother of the bride, being less trained in the wiles of "Hearst men," committed the mistake of opening her mouth. "Mr. Alvin makes it a rule not to be quoted in newspapers." The reporter, seizing his golden opportunity, explained, "I just wanted to know, Mrs. Alvin, if your husband agrees with his daughter's ideas on social questions." The great lady replied, haughtily, "My husband does not agree with *any* of his daughter's ideas!" So, of course, the whole town had a hilarious laugh next morning.

In fact, the story "took" so well that the word went forth to follow it up. The reporters tracked the bride to the paper-box factory, and took pictures of her at work. They tracked her to the little apartment where the "sociological honeymoon" was to be passed, and published her in a fifty-cent apron, frying her first supper of bacon and eggs; they gave the price of all the ingredients, and a schedule of the "sociological budget." They interviewed the ardent young lady propagandist on every subject with which her father could fail to agree: trial marriages, love and freedom, birth control, social justice, the banking system, capital and labor, the Lucy Stone League. Nor did they fail to call up the palace on the North Shore, and ask if Mrs. Alvin would come to the phone, and hear a summary of her daughter's opinions, and say whether her husband would agree with them!

XIII

One of the McAnarney brothers, attorneys for the defense, got into conversation with old Mr. Ripley, the flag-saluting foreman of the jury, and was told, quite casually, how this foreman had had revolver cartridges, similar to the ones which had been found upon Sacco, and how Ripley had marked them, and taken them into the jury room and shown them to some of the jurors, comparing them with the exhibits of the prosecution. A thrill of excitement ran through the Sacco-Vanzetti defense; here, as in the Plymouth trial, was evidence improperly introduced, never seen by the defense. As fate willed it, Ripley died before his testimony could be taken. But the jurors were interviewed, and several swore that they had seen the cartridges; also Ripley's widow had seen them.

It was the first of a series of motions for a new trial, which were to entertain the friends of the defense for a period of six years. The "Ripley motion," and then the "Daley motion"—Daley being the friend of Ripley's, who told of the conversation at the railroad station, when Ripley said that he was on the way to report for jury duty in the case of a couple of "guinneys" accused of banditry, and, "Damn them, they ought to hang anyhow."

And then a letter from Frank Burke, the exhibitor of glass-blowing, telling how he had run into Roy Gould, the salesman of shaving-paste. The mystery of the man with the bullet-hole through his overcoat solved at last! Gould had been up in Nova Scotia all this time; now he was in Portland, Maine; and Fred Moore jumped onto a train, and the friends of the defense got the greatest thrill yet. For it was just as they had been told—Gould had been within five or ten feet of the bandit who was supposed to be Sacco, and this bandit had fired at him and pierced his overcoat. Gould came to Dedham jail and looked at Sacco, and said that he had never seen him before, and that he bore no resemblance to the bandit.

So the Boston papers broke into headlines, "New Evidence in Sacco Case," and hope sprang to life in every heart. Surely there would be a new trial now! Surely it would not be possible to execute a man, when it was known that evidence of such importance had been deliberately withheld from the jury!

For that was what had happened—the salesman of shaving-paste had given his name to a police officer, and this officer made affidavit that he had turned it in to both the local and the state police. Captain Proctor had had it!

To ardent young radicals that seemed a scandal of major proportions, and they proceeded to send out press items and to print leaflets and mail circulars—only to discover that nobody was interested except ardent young radicals. The great Commonwealth was content to leave the matter to what it called "the orderly processes of law"—which meant precisely this and nothing else: that affidavits would be typed out and sworn to, and submitted in a motion to Judge Thayer, who would take a year to study over them, and would then produce one of his famous decisions, in which the defense position would be misrepresented, and arguments of the defense would be met by answers to other arguments which the defense had never thought of!

In this case the old judge's decision was such as to cause people to wonder whether his hatred had not driven him insane. He gave his reason for denying the motion in the following words: "The affiant (Gould) never saw Sacco, according to his affidavit, from April 15th, 1920, the day of the murder, until November 10, 1921, when he went to Dedham jail at the request of Mr. Moore. In other words, the affiant must have carried a correct mental photograph in his mind of Sacco for practically eighteen months, when he only had a glance in which to take this photograph on the day of the murder." "Web" Thayer actually wrote those words, and read them from the bench, and caused them to be printed in the law-books—along with the affidavit of Gould, which stated in the plainest possible words, not merely that Gould had not seen Sacco on April 15th, 1920, but that Gould had never seen Sacco in his life until the occasion when he saw him in Dedham jail, eighteen months after the crime, and three months after the conviction!

XIV

And then the "Pelzer motion." Louis Pelzer was the bewildered Jewish shoe-worker, who had made such a spectacle of himself on the witness-stand, claiming to identify Sacco upon

seeing him many months after the crime, and at the same time admitting under cross-examination that he had lied to an investigator for the defense. Now Pelzer made an affidavit to the effect that his identification of Sacco was false, and that the words, "his dead image," had been put into his mouth by the assistant district attorney, Mr. Harold Williams, whom the august Commonwealth was soon to make into a superior court judge.

And then the "Goodridge motion." Here was the star witness of the prosecution, whose criminal record had been kept from the jury by the perfect team-work of those expert basketball players, Messrs. Katzmann and Thayer. Now the defense got onto the trail of the several-times-convicted crook, and obtained all his record, the jail sentences, the numerous wives, and the warrant for horse-stealing in New York State, which would have meant a long sentence, as a third conviction. Fred Moore and another man ran their quarry down in the little town of Vassalboro, Maine, and saw his wrists held out for the handcuffs. Moore was naïve enough to be surprised that the authorities did not want this crook any more—neither in Maine, nor in New York, nor in Massachusetts could the machinery of exact and impartial justice be prodded into action. Moore, being an Irishman, and emotional, was emphatic with his victim, and brought down upon his head a stern rebuke from the just and upright Mr. Justice Thayer for his method of procedure. Which was all that came of the "Goodridge motion"!

And then the "Andrews motion." The son of "Fainting Lola" was discovered, also living among the "Mainiacs." He consented to come to meet his mother, who was working as a waitress. He reminded her of various emotional dramas in which she had played a rôle; with the result that Lola had more hysterics, and broke down and admitted that her testimony against Sacco had been "framed." In the presence of two well-known labor leaders she signed an affidavit, declaring that her reason for swearing Sacco's life away was that "the Commonwealth was in possession of facts relative to the private life of the affiant which the affiant was not desirous of having brought out on the witness stand," and that by threats based on that knowledge she was "coerced and intimidated." She named the four men who had done this; one was Mike Stewart, inventor of the "theory," another was Brouillard, a police

officer, the third was Mr. Harold Williams, soon to be a judge, and the fourth was District Attorney Frederick G. Katzmann.

Another thrill ran through the little band of defenders. For Lola Andrews had been the other star witness of the prosecution—it was she of whom Katzmann had said with such intense solemnity to the jury, "I cannot recall that ever before I have laid eye or given ear to so convincing a witness as Lola Andrews." Even the capitalist newspapers were moved to protest now; the Boston *American* declared that either Lola was crazy, "or else some one in the district attorney's office at that time ought to be arrested and tried for attempted murder." Upon reading that, the police authorities of the august Commonwealth got busy—not to arrest themselves for attempted murder, but to compel Lola and Louis to sign new affidavits, declaring that their previous affidavits were false, and had been obtained by threats from the defense lawyers.

XV

The Great Novelist who makes up history was desirous of making a perfect melodrama, and also a perfect demonstration of class justice, out of the Sacco-Vanzetti case. To that end it was necessary to provide an answer to the question: what would happen in the pious Puritan Commonwealth of Massachusetts if a rich man were to commit a murder? While Sacco and Vanzetti were in jail, awaiting trial, a poor devil of a Swede by the name of Johnson, having a wife and two young children, but no job, and no food in the house, and no coal in the month of January, went into some woods on a private estate, with a saw and wheelbarrow, for the purpose of gathering dead wood, which was lying in profusion on the ground. The aged owner of this estate was a Cunningham, a name of great honor in the fashionable town of Milton; and in the pride of his name and great possessions he took a rifle and shot the unarmed Swede. He fired without aiming; the victim had just got over a fence, escaping. The killer was arrested and brought to Dedham jail, and spent eight days in a cell near Sacco, and then was politely bailed out.

Cornelia, in her thinking about Massachusetts justice, had imagined a rich person committing murder, and had guessed

that such a person would be declared insane. But the case of Commonwealth *vs.* Cunningham showed her that she had expected too much from the law. The blue-blood families keep their insane members hidden away in remote wings of old mansions, and do not permit the stigma to be put upon them in public proceedings. For thirteen months the killer of John Johnson did not even have to make a plea. At last he was brought to trial in Dedham Court House, where Sacco and Vanzetti had faced the jury. Public feeling had cooled off; and no evidence was produced to prove that he was either an anarchist, an infidel, or a draft dodger. So the stern Mr. Katzmann became gracious and mild; the crime was called "justifiable homicide," and the killer was acquitted.

Also it was necessary to the perfection of the Sacco-Vanzetti melodrama that the victims should have continual evidence of the venality of their persecutors. The Great Novelist arranged it that three more times during the next six years emissaries should come to the defense, pointing out the folly of spending so much money upon lawyers' fees and circulars, when the small sum of fifty thousand dollars, slipped to the right lawyers, would set their two friends "on the street." And lest the young radicals should be unable to believe that these emissaries really possessed the power they claimed, the Great Novelist caused what was known as the "Coakley-Pelletier scandal" to break into continuous explosion, after the fashion of Chinese firecrackers strung on a line all the way along a city street. For months the newspapers were filled with picturesque details about the crimes and sexual misadventures of Boston millionaires, and the prices they had paid to politicians and officials.

Dan Coakley was a Democratic lawyer, who had run the city of Cambridge for some twenty years: a lively personality who had begun life as a street-car conductor and had given up his job when the company installed machines to register fares. He had his license as a conductor, signed by the superintendent of the company, with the words scrawled across it: "Discharged for neglect of duty." It had amused Dan to frame this document, and hang it in his law office, while he was preparing damage suits which cost the company hundreds of thousands of dollars. Needless to say, he was an ardent patriot; he had paid

the expenses of the Massachusetts delegation to the Democratic convention in San Francisco, so that they might vote for the Quaker attorney-general, who was so heroically smashing the Reds. For years, if you wanted to get out of trouble in either Middlesex or Suffolk County, the password was, "See Coakley."

The district attorney of Suffolk County, which includes the city of Boston, was "Joe" Pelletier. (All Massachusetts statesmen go by their pet names, unless they have a great deal of money.) "Joe" likewise was an ardent patriot, and never lost a chance to deliver an oration for God, country, and the pope. He was National Advocate for the Knights of Columbus, which is the political auxiliary of the Catholic Church; he had been knighted by the pope; and it was his job to drop charges against wealthy criminals, after they had paid proper retaining fees to the proper lawyers.

This had been going on for so many years, under the protection of the flag and the crucifix, that the ring had got bold, and had taken to "framing" cases against victims. That was all right when it was a couple of anarchist "wops," but it was a different matter when it meant sending women to lure rich blue-bloods into bed, and have detectives smash in the doors and take photographs of them. The "ring" had a regularly paid staff of women, and three apartments in the Back Bay. In one case they had gone so far as to have the woman hidden in a closet, unknown to the victim, and in this way they had got an enormous sum from a terrified old railroad president—an Adams, and a "right" one! In another case they had collected forty thousand dollars from a man on his deathbed.

XVI

It was after the trapping of Josiah Thornwell Winters that the blue-bloods decided to smash this "ring." Councils were held in the Union Club, and a citizen who had no scandals was found—the head of the Watch and Ward Society—and persuaded to the dangerous job. Godfrey L. Cabot was his name, and before he got through, it was a well-known name to the readers of Boston newspapers. For of course the ring knew what he was doing before he knew it himself, and was setting

traps for him after a fashion too fantastic for anything but reality. Mr. Cabot got a dictaphone in Coakley's office, and hired a spy to hire himself to Coakley and arrange to bribe Pelletier. But presently the spy was arrested, and Godfrey L. Cabot was indicted for hiring a man to offer bribes. The climax of hilarity came when it was revealed that it was Dan who had hired the spy, to get himself hired by Godfrey to come and hire Dan to bribe Joe!

Impossible to imagine more melodrama than this scandal provided for the readers of Boston newspapers through the better part of a year! Underworld ladies trapped into telling their stories, with stenographers hidden behind screens; elderly blue-bloods "railroaded" into lunatic asylums for their money; hotel proprietors forced to part with their property for a small part of its value; the "badger game" and the "shakedown," the "girl with the dimpled nose," a "visiting actress," "the Egyptian mystic, Omar Kaldah"! Hardly a day without a new millionaire in the pillory, or a "scion of wealth" relieved of his patrimony! A series of sensational trials, with witnesses "grilled" and "broken" by great lawyers who "thundered" and "stormed." United States Senator "Jim" Reed, endowed with the voice of a bull, defending his Democratic colleague, "Joe":

"Does this diabolical persecution spring from religious prejudice? Is that the thing which inspires Cabot and his crew; that makes them gather witnesses from the four quarters of the earth; that gives protection to the criminal and the near-criminal? I do not know, but this I boldly say, that I have never seen such digging in the catacombs of the past, such raking of the dust of time, such malicious ingenuity, such fixed determination as we have witnessed."

And then the attorney-general, answering the bull-voiced senator, and describing the "national advocate" of the Knights of Columbus in metaphors taken from classical oratory:

"The sword of justice was placed in his hands and he made of it a highwayman's club. He used the scales of justice to weigh the price of corrupt favors. He has bartered the powers of his great office to the highest bidder. For personal ends he has protected the criminal and oppressed the innocent. He has so far forgotten his honor and his oath that he has brought reproach upon the fair name of the Commonwealth, has al-

lowed her mantle to be dragged in the mire, has debauched his high office for his own selfish ends, and like Esau of old, has sold his birthright for a mess of pottage." No wonder the life of the attorney-general was threatened, and guards had to protect his home!

Also Dan Coakley was indicted and tried. The blue-bloods employed no less than thirty-six detectives to guard the jury; when Dan was acquitted, the blue-bloods wished they had hired more of them. However, Dan was disbarred from practice; and "Joe" Pelletier, National Advocate for the Knights of Columbus and hero of all Catholic patriots, was removed from office and disbarred. But not until he had gone up and down the county telling what he knew about his enemies. He announced himself as candidate for mayor—Democratic Catholic "Joe," friend of the common man, persecuted by holier-than-thou exploiters and wholesale bribe-givers. The common man thought that sounded very good; to him the victims of the blackmail ring were millionaire degenerates, preying upon his daughters; and since the law could not get them, let Joe take their money, and give part of it to the church, to be expended for orphan asylums and altar cloths!

But what a shudder in blue-blood circles, when this man who knew all secrets got up on the stump and started reciting names, places and dates. Stopping not at the most exalted offices! When he discussed the Supreme Judicial Court, he said things of interest to the friends of Sacco and Vanzetti, who were making such expensive appeals to the supreme judicial virtue of that great tribunal:

"Go up some day and watch the justices of the Supreme Judicial Court file down to the Union Club. Whom do they eat with? The capital interests, the corporation lawyers for the street railway cases, the gas cases, the light cases. These are the men that break bread with them. That may not mean anything to you. If so, bless you for your innocence! I confess to being more suspicious by nature."

Thus people's friend "Joe," soon to be tried by that same tribunal!

CHAPTER XVI

THE LAW'S DELAY

I

JUDGE WEBSTER THAYER was considering the various motions for a new trial, and Bartolomeo Vanzetti was manufacturing automobile license plates in Charlestown State Prison; in his free time toiling at the task of becoming a master of English prose. He wrote an elaborate pamphlet on the Plymouth case, the importance of which, as a preliminary step to the frame-up, he alone had realized. Then his "Story of a Proletarian Life," an autobiographical sketch, written in Italian, and later translated into English with the help of friends. To Cornelia he wrote, "I have received many praises for it. I must look out to not be spoiled."

There is a story of old-time New England, how the rebel Thoreau refused to pay taxes to a government which captured fugitive slaves. He was put into jail, and his friend Emerson came to see him, somewhat shocked. "Henry, why are you here?" The answer was, "Waldo, why are you *not* here?" This anecdote was recalled by an author who came to visit Vanzetti in his cell at this time, and wrote about the case: "Now, as formerly, Massachusetts has its finest soul in jail." To this Vanzetti replied:

"I understand and appreciate the reasons by which you were adviced to exalt me far above my little merit. If there is a little of goodness in me—I am glad of it—but really I do not deserve your praises (as they are). I think there are some prisoners within these very four walls which exile me from society, which are much better than I . . . Humble I wrote for the humble who must conquire the world to peace and freedom; and I try to make plaine humble but ignored truths."

He studied incessantly, and criticized what he read. "Last evening I read a chapter of the 'psicology' (by William James). I perceive at once to deal with a really great one. He speak

with simplicity as Reclu and others did. I will learn a good deal from this lecture. I feel the fever of knowledge in me."

He studied the problems of his own revolutionary movement, and contributed to the anarchist press. "Actually I am overloaded of works. To-day, at noon, instead of eat my dinner I have finished the translation—from English into Italian of a quite long article. Beside that I intend to write the last letter upon 'Syndicates and Syndicalism.' I have wrote a historical, theoretic treaty on the subject. I wrote it in epistolary form. They were published—many congratulations came to me —at last the syndacalist replied to me with an article that is a misery."

He grew still more ambitious; he would write a novel! It was to be a story of an immigrant laborer: as he phrased it, "a story that really happened and has me as a spectator." "Events and Victims" was the title he chose, and he labored at it incessantly. He was not satisfied with translations made by friends, and rewrote a great part of it in his own English, patiently groping his way through the labyrinth of strange idioms. When the long labor was finished, he wrote:

"I realize, by proof, how hard the literary test is. I have no illusions. I wrote more for exercise than for anything else, and I perceived to have gained something through it by improving my capacity. The fact told had happened. As for the ideas, they are sincere. But the write was spoiled when it happened that an egg, believed cooked, smashed in my pocket outsetting thus my whole nervous system."

II

Poor old Bart! Lovable, queer, slyly humorous fanatic, keeping his sense of whimsey, the same in a prison cell as Cornelia had known it in the Brini household, and during long walks on the beach and in the woods of Plymouth! He appreciated the troubles of his friends, who were not great writers themselves, trying to help one who was excessively ambitious. To Mrs. Evans he wrote:

"A few years ago, a good divvol of comrade, felt to have something to say and wrote it down in an article that he sent to the weekly for publication. In the enclosed letter he said to

the edictor: 'I have put down the words: please put down for me the commas and the periods.' To make that written presentable, the poor edictor almost lost his reason and he wrote to the writer: 'Next time, if you wish your article to be pubbliced, just put down the commas and the periods that I will put down the words for you.'"

And then the problem of keeping alive, while spending fifteen and one-half hours per day in a prison cell! Bart's friends gave him advice, and he himself took much thought. He read the edicts of an American specialist in omniscience, and commented:

"Mr. A. Brisbane always trouble me. Several month ago I read in a book of physical culture, that to sit down is an unhealthy habit and that the more one stand the better he feel. I like to feel well and consequently I took the advice. But to-day Mr. A. Brisbane tell me that the more we lay down the better it is. So I do not know now what I have to do for my good health. Till now I used to read on my feet, more often leaning like an elephant against the wall; from now I will maibe sit down. Of course, the best way to prevent diseases and troubles to a man is kill him while he feel well. Accept, please, my regards and thanks."

And always with his passionate love of the outdoors, and everything to be found there. In the summer-time Cornelia went to visit friends in the country, near the paper-box factory where Betty and Joe were working. Because the strain of her long labors was telling upon her, she took to outdoor work, and wrote much about her adventures. Bart replied:

"I am still smiling—to not say laughing. Yes, I would be very amused to see you work in your garden, for I alway laugh in observing the women at a manual work. When I wish to smile—I have only to think at a woman choping wood. I have take the ax out from the hands of some dozen of them, and cut the wood.

"But here we are! You know how to make an asparogus bed! I do not know to do it, and I have thought many time of it, for I like asparogus, and I intend if the possibility should come to cultivate them. Now I know by whom to be taught; and would it be possible, you would know what a worker I am, and what a garden I will plant and work out under your ad-

vice joined to some of my critersims. You would also know what a lighted heart the rough Bartolomeo has. In spite of all, I often feel yet as a child. I like to sing, to play and to foolish. But indeed, the water is rough now. Maibe, thanks to all the good ones among whom you are prominent, we will reach the shore someday."

III

More discoveries of evidence, and more appeals to Judge Thayer. The defense got an expert on arms, and he studied the so-called "mortal bullet" under a high-powered microscope, and submitted a series of charts with very expensive photographs, proving that this bullet could not possibly have come through the Sacco pistol. To that the answer of the Commonwealth was easy; they too had money, and could employ experts. There were more long affidavits, full of technical terms and mathematical formulas. From first to last there were only two things a layman could be sure of; that every statement by every expert would be flatly contradicted by another statement of another expert; and that "Web" Thayer would believe the experts of his own side, and overlook those of the defense.

These charts and affidavits constituted what was known as the "Hamilton motion." Then came the "Proctor motion": an amazing story, exploding like a bombshell among the friends of the cause. A new lawyer had become active in the defense, William G. Thompson, and it happened that he had had some dealings with Captain Proctor of the state police. He went to Proctor and pleaded with him, and worked upon his conscience, with the result that the old man blurted out the whole story of his part in the "frame-up." Thompson begged him to come and tell it to Judge Thayer, and Proctor said he would—provided the judge invited him. The lawyer went to Thayer in a fine fervor, thinking that the judge would be concerned about the truth, and be glad to see it prevail. But to his dismay he discovered that Thayer did not want to talk with Proctor. "We will try this proposition on affidavits," he insisted.

So Proctor told his story, how the district attorney and his assistant had framed a question to Proctor in such a way that the jury would think he meant one thing, when in reality he

meant another. And then came the answering affidavits of Katzmann and Williams, another illustration of the subtle art of betrayal—these answers were framed in such a way as to seem to deny the Proctor charge, but in reality to leave the central point untouched, and by implication to admit it!

The too-ardent young radicals imagined that this story would "blow things wide open." But they found that what seemed a bombshell to them was a small firecracker to the rest of Massachusetts. This was the Harding-Coolidge era; "Nan Britton's boy" was president of the United States, and the "Ohio gang" were the rulers of the nation. The oil men had finished looting the oil reserves of the navy, and the Veterans' Bureau, supposed to take care of the victims of the great war, had stolen some hundreds of millions; all along the line, the password of government was "loot," and the power of the secret service and the attorney-general's office was used to threaten and intimidate those who disturbed the looters. In such a world it was hard indeed to get publicity for injustice done to a pair of wops; and after you had got it, the response of the public was that of the flag-saluting jury-foreman: "Damn them, they ought to hang anyhow!"

Boston was different. Boston had blue-bloods, Boston was pious, proper, and proud. But the payrolls for city work were padded with the names of many imaginary laborers; twenty policemen were accused of breaking into stores, holding wine parties in warehouses, and robbing prisoners. The state police were confiscating liquor, and selling it again, or giving it to their politician friends, who found it agreeable. The formula, "It just came off the boat," was changed to read, "It just came from the State House." By stages of graft you could mount, higher and higher, until you found yourself dealing in millions, and associating with the great bankers, who had loaned money to state legislators without security; these legislators had bought Elevated Railway stock, and had then voted a bill guaranteeing dividends, thus causing twenty-five million dollars worth of stock to jump from twenty-five to ninety. Rupert Alvin and his Pilgrim National crowd had not even had the inconvenience of being indicted for that crime; one rebel legislator, Thomas A. Niland, one opponent of graft among politicians, had hired a sandwich-man and set him to picket the

Court House with a sign, reading: "Mr. District Attorney, indict the bribe givers and bribe takers of the Boston Elevated."

IV

The Jerry Walker case came to trial. More than five years after his properties had been taken from him, the manufacturer of felt got a chance to tell his troubles to a jury, and the public to see what happened to big bandits in the august Commonwealth of Massachusetts. The case was tried in Dedham Court House with the round white dome and portholes like an ocean liner; and it was destined to be appealed to the Supreme Judicial Court, and finally decided within four weeks of the Sacco-Vanzetti case.

The Jerry Walker trial lasted from the beginning of November, 1923, to the end of November, 1924; the longest law-battle ever known in the history of the Commonwealth. During that period of time Cornelia Thornwell heard about little else when she was in touch with her family. Two of her sons-in-law, two nephews-in-law, and two cousins-in-law were involved, and the families ate, slept, walked, rode and prayed with the case for the whole thirteen months. It was not merely that fifteen millions of dollars were at stake, but the family honor, and the safety of the country's banking system; for if Jerry Walker won his case, all the business men who had lost their properties to bankers would set up similar claims. What would be the fun in banking, if you were confined to the interest on your funds, and could not use your control of credit to get possession of industry?

Cornelia was making it a rule to visit Sacco once or twice a month in Dedham jail, and she would stop at the court-house and watch the great duel of law. No guards with rifles on the steps, no gruff policemen to search your hand-bag, no steel cage for the defendants! No; for these were not the little bandits who break the law, these were the big bandits who make the law. Everything quiet and dignified, in the Harvard manner. With the exception of poor Jerry Walker himself, everybody was Harvard—the real reason poor Jerry had lost out.

Polished gentlemen, with soft voices and slow drawls, dressed with elegance, and always immaculate, regardless of weather

and possible weaknesses of the flesh, arguing fine points of law, and presenting mountains of documents and miles of figures to a bewildered jury. You would not have guessed that there was anything very special or thrilling in process—unless you knew the sacred names, and realized that here were the bluest of blue-bloods, the center of the center and hub of the hub. These men who sat on hard benches listening, who took the witness-stand to testify for days and sometimes weeks, were the inner ring of those who held the financial and industrial power of New England for their own. There were times when, if you had sat with an adding machine, and tabulated the wealth owned by men in the court-room, it would have amounted to several hundred million dollars; if you had counted the wealth of other persons which they controlled, and used to sway markets and support credit for their own advantage, it would have totaled billions.

The trial would occupy a hundred and eighty-seven days of actual hearings; more than two thousand exceptions would be taken to the judge's rulings, to be submitted to the higher court; the testimony would be close to six million words, and the cost of the procedure to the County of Norfolk would be more than two hundred thousand dollars. Out of its great generosity of heart, the legislature went so far as to pass a special measure, providing for the payment of nine dollars a day to the jurymen in this case—and the bill was made retroactive! It was in the public interest that these wholesale bandits should fight out their fights in a court-room, instead of hiring private armies and settling it on the streets. When the issue had been decided, these two facts would stand out: first, that Harvard blue-bloods had the money; and second, that their fellow-members of the Union Club had permitted them to keep it.

V

To Cornelia Thornwell the really significant thing was this: that so many concerned with the defense of the case were lying. The great bankers were hiding what they had done to Jerry Walker, and their great lawyers were sitting down with them, day after day and night after night, framing what they were going to say. For five years Cornelia had known that

they would do this; it was so well understood in the family that nobody was equal to the task of attempting to fool her. There were fifteen millions of dollars at stake; and the driving power of this sum was so colossal that it swept every barrier before it, and truth, honor, dignity, justice, law, country, God and religion went out like the contents of a chicken-ranch when a dam bursts at the head of a valley.

Privately these bankers were quarreling bitterly among themselves as Cornelia knew; the wives were cutting one another at bridge-parties, and families were riven pro tem. But on the witness-stand every man stood by the ship, and obeyed the orders of the captain, Rupert Alvin. Cornelia got a new understanding of her oldest son-in-law. He had always seemed to her a semi-comic figure, with his face and neck of pink and purple bulges; humorless, naïve in spite of his heavy pomposity, and pathetic while being hen-pecked by a Thornwell lady whose family was older and greater than his. But now Cornelia observed him as a man among men, and realized what are the qualities of a successful bandit-leader.

They might be summed up in a single word, dependability; the gang must know that the leader will always be there, and will never change; that he will be the incarnation of solid, heavy, earnest greed, an irresistible and incessant push for large sums of other people's money. Also, the gang must know that the leader will give them individually a greater share than any other leader of equal greed-power. A quality of Rupert's that came out in the trial—he was a veritable mountain of righteous respectability. He had only wanted a small share of the loot for himself, and it had been necessary for his associates to insist that he should have a large share. Said Quincy Thornwell, gossiping with his Aunt Cornelia during the course of the revelations, "You always have to insist that Rupert takes a large share. And you always do it. If you don't, you are not in on the next big deal."

Now here he was on the witness-stand, telling the story of his relationships with Jerry Walker; the president of the Pilgrim National Bank, who had promised poor Jerry a three-million-dollar loan at twenty-seven per cent interest, and had "strung him along" for months, having the plans all made, the syndicate of bankers formed, and Henry Cabot Winters sup-

posed to be getting the agreements ready—when as a matter of fact Rupert had ordered that no agreements be got ready, having no purpose but to have poor Jerry in a "jam" when his "paper" came to maturity.

For more than a week Rupert was cross-questioned by Jerry's little bull-dog of a lawyer, and he was most gentlemanly and aristocratic about his lying. He had reduced it to a formula, suitable to his simple mind; he could remember ten thousand details which were to his advantage, and he did remember them, promptly and exactly; but whenever there was any detail which would have been to his disadvantage, then he had forgotten about it. And that was all; it was charmingly easy —he had only to say, "I do not remember." The cross-examiner might phrase the question in a score of different ways, he might make any number of approaches to it, but he could never get anything from the imperturbable Rupert except, "I do not remember." It amused the lawyers of Jerry Walker to go over the record, and count up the number of matters about which Rupert's memory had thus been adjusted to his interests; he had managed to forget one hundred and seventy-three different things.

Only once a bad slip! Early during the negotiations with Jerry Walker he had put the blame on Henry Cabot Winters, and had said to Jerry, "Henry has had his teeth in this thing once"—meaning in Jerry's felt-business. That was a terrible admission, and Rupert made it elaborately, and in great detail, before his lawyers managed to interrupt, and convey to him that it wouldn't do. The great banker then took the liberty of consulting his counsel; after the consultation, he retracted his admission, and denied that he had ever said any such thing to the plaintiff. A distressing moment; for there sat the reporters of half a dozen newspapers, their pencils plying busily, and the whole of State Street and the Union and Somerset Clubs waiting to read the story that afternoon.

Then, the ordeal being over for Rupert, he went back to Boston, and attended an assemblage of some men's organization connected with his Episcopal Church. Some evil person proposed that the organization should take a stand upon the question of social justice, and Rupert got up and moved that the resolution be tabled, and made a powerful and impressive

speech, in which he declared that the purpose of the Episcopal Church was "spirituality," and that it should not be lured into controversies over mundane affairs. The Boston newspapers all reported the discourse, and were strong for "spirituality."

VI

Mr. Justice Thayer was rendering his decisions upon the various motions for a new trial. The "Ripley motion," the "Daley motion," the "Pelzer motion," the "Andrews motion," the "Goodridge motion"—he denied them all; and he was judge, and the sole judge. He decided that his own conduct had been proper, he decided that the new evidence was not such as to warrant a new trial.

The one thing his victims got out of these decisions was a holiday every time. The law required that the defendants should be present at all stages of the proceedings; and so a miniature army would be called out to move Nicola Sacco from Dedham Jail to Dedham Court-house, and Bartolomeo Vanzetti would leave his cell for a whole day, and become the delighted center of an automobile parade. He wrote Cornelia about it, beginning with his breakfast, "a cup of coffee, three slices of bread, two frankforts and mashed potatoes, all as cold as ice cream could be." Later when it was proposed to publish this narrative, Bart was distressed, and insisted upon its being made plain that he had made this remark playfully, because of course the prison authorities could not prepare hot food out of hours.

"After such a breakfast, an official took me in the 'Guard Room.' The little chauffeur, an old officer, and the bravest one were waiting for me. I was chained with the last one, and all four left the room and went down to the street where the automobile was ready. Six or seven officers stood at the door, with their right hand near the back pocket, ready to protect me from any attack. One must be most ungrateful man of the world for not feeling quite reconoscent."

And then his love of nature, the joy of escaping from darkness into sunshine and open air:

"So we enter now into a Park the name of which I already forget, but the beauty of it, I will never forget anymore. If

I were poet and know the meter, I would write a song of it in third rhyme. (Italian, terza rima). I am not a poet, but neither so profane to disturbing such splendor with my poor ink. The concerned officer point to me a big brick building, saying 'It is the Fine Arts Museum.' He point many other buildings saying that they are almost all a private schools. I was, then regretting to have only a pair of eyes, able to look in one direction alone. I observe everything, the trees, the bushes, the grass, the rocks, and the brook along the way on which I was raptured. The drops of dew look like pearls; the sky reflects himself in the waters of the brook, and let one think that it is bottomless."

VII

Nicola Sacco had been for more than three years a victim of the law's delay. He had spent all but an hour or two each day in a cell with nothing to do, and the strain of it was affecting his mind. He could not understand why persons who espoused his cause should look for justice to one old man who hated him and was determined to have his life. He could not understand why this one old man should need years to decide matters about which his mind was made up in advance. He could not understand why the money of the anarchist movement should be wasted upon futilities. Brooding thus, he became morose, like a dog chained up; he suspected every one who came near him, he would not sign any more legal papers; presently he would not write letters, nor leave his cell, nor speak to any one.

Cornelia would travel to Dedham to test her social prestige upon the "chief officer," as he was called, to obtain some amelioration of the harsh prison régime. The chief officer was large, stout, superannuated, and Cornelia, seeking to win his favor, had to listen to long discourses concerning his diet; he was centered upon "reducing," and talked about it in more intimate detail than even Clara Thornwell Scatterbridge. He would keep an old lady standing while he enumerated the pounds he had managed to take off by this method and that; and the next time she came, he would forget what he had told her, and tell it again. "Would you believe that I used to weigh two hundred and sixty?"

This man who could not keep from eating too much would take a tin plate of cold food, with two slices of bread on top—a narrow plate, made especially to go between the bars of a cell—and if the prisoner in the cage complained of monotony and failed to eat the food, the chief officer would discourse for another hour to his visitors: these men were worth nothing, the more you did for them the less grateful they were. When Cornelia went away, he would grumble to the other officers about rich women who came "butting in on prisons," spoiling the inmates, insisting on new things that nobody had ever heard of before. "Gosh, if that old hen would mind her own business!"

Some friends of this old gentleman insisted to Cornelia that he was well-meaning, and trying to do his duty as he saw it. But to her he seemed the embodiment of that mountainous, colossal, insensitive stupidity which was in authority throughout the world—which indeed seemed to be the very nature of authority. Several years ago there had been a legislative investigation of county institutions, and a severe arraignment of conditions; but the county graft-rings had been able to block every move, and nothing had been done.

Sacco was more of a problem than the average prisoner. He could not work in the plant which made shoes for the prisoners, because he was such a swift worker, he cleaned up everything in sight; moreover, another prisoner had attacked him, hating him as a "Red" and an atheist. He could not work in the carpenter shop, because he was a "murderer," not to be trusted with tools. Kitchen work was barred for the same reason. In short, there was nothing for him but twenty-two hours a day in a cell; so he became frantic, and at half-past one o'clock in the morning leaped from his cot and began to pound his head against a chair, in an effort to dash out his brains. He succeeded in cutting four gashes in his scalp, which a surgeon had to sew up. Then Nick declared what he called a "hungry strike," and for thirty-three days he did not touch food.

The chief officer was not allowed to do anything about it—so he understood the law; if a wop didn't want to eat, nobody had a right to make him eat. It was good anarchist doctrine, and Cornelia discovered that many members of the defense committee agreed with it. The Italians were convinced that there was no hope of saving Nick from the chair, and according to

their philosophy, a man had a right to end his life if he wanted to. If he did so, the agony would be over, and the cause would have a good martyr.

There was a hearing due on one of the motions for a new trial; one of those interminable farces that occurred every month or two, whenever a motion was made, a new affidavit submitted, an argument heard. Every such time the miniature army would go into action, and the two wops would be brought in and locked in the cage; Judge Thayer would enter with a rustle of black silk robes, and the bailiff would pound with his wand and repeat his formula, beginning, "Hear ye! Hear ye!" The judge would sit down, and have another chance to pour out his withering contempt upon the prisoners and their counsel.

But during the "hungry strike," the sheriff refused to take the responsibility of moving Sacco from the jail to the court-house. What was to be done? Fred Moore had an office assigned to him, across the hall from the court-room; and there was a terrible scene—the lawyer maintaining his intention of going before the judge with a motion to determine Sacco's sanity, and the anarchists arguing, denouncing, threatening, clamoring for the prisoner's right to decide his own fate, without the intervention of aliens, enemies, traitors and spies. The uproar became so great that the judge sent the bailiff to command order. In the end Moore went ahead and made the motion, with Cornelia standing behind him. For this neither of them was ever forgiven.

VIII

Examinations were made, and the prisoner adjudged insane, and committed to the Boston Psychopathic Hospital—where they made short work of his anarchistic right to commit suicide. They strapped him into a chair and put a rubber tube up into his nose and down into his gullet, and poured in some milk. It is a hideously painful experience, and rather than undergo it again, Nick agreed to eat. After that he was committed to the Bridgewater Hospital for the Criminal Insane, where they were kind to him; the doctors would listen while he set forth his principles, and would agree that they were beautiful principles—as indeed they were. Very soon Nick was strong again,

and a "good fellow," eager and sociable. Outdoor work was given to him, and he did it gladly.

So now he was "cured," and must go back to Dedham. But the physicians refused to certify him unless he was to have occupation; so the chief officer was induced to modify his time-honored régime. Nick was to do basket-weaving, and three times a week a volunteer teacher was to come and give him lessons. This was Mrs. Bang, a Danish lady, who taught manual training to blue-blood children in private schools; she must guard the dark secret, that she came three afternoons a week to visit an anarchist atheist draft-dodger convicted of banditry and murder.

Mrs. Bang was one more problem in Sacco's life. Why should a person who was able to wear good clothes and drive about in an automobile, take six long journeys a week, through a New England winter, to teach anything to a prisoner without pay? It did not fit into the class-war theory. But Mrs. Bang won his confidence—it was easier, because she was a foreigner. Strange to say, she found that Nick loved America, and wanted to live here. His wife talked about going back to Italy, but he insisted that the children had a better chance in the new world. Page Mr. Katzmann!

Nick made bags from twine, decorated with beads; he made an elaborate tray of reeds, with flowers and butterflies. He developed a wish to learn English, the better to take his lessons. So came letters, to Mrs. Evans, to Mrs. Henderson, to Cornelia: letters in home-made spelling, but otherwise clear and direct. For example, when Cornelia made a present of clothing to his family:

"I remember a years ago on our love day when I bought the first lovely blue suit for my dear Rosina and that dear remembrance still remains in my heart. That was the first day nineteen twelve in Milford, Mass., the celebration day of the five martyrs of Chicago, that in the mind of the humanity oppressed never will be forget. So in morning May first nineteen twelve I dress up with my new blue suit and I went over to see my dear Rosina and I asked her father if he won't let Rosina come with me in the city town to buy something and he said yes. So in afternoon about one o'clock we both us went in city town, and we went in a big store and we bought a

brown hat, a white underdress, a blue suit, one pair brown stock, one pair brown shoes, and after she was all dress up, I wish you could see Rosina, how nice she looked, while now the sufferings of to-day had make her look like an old woman. But I never was ambitious to buy her diamonds and so-so, but I always bought everything that could be natural and usefull.

"Just now I am sitting alone always, but with me, in my soul, in my heart, in my mind, are all immense legion of the noble and generous friends and comrades. Here I say I'm sitting writing to you these few lines; the sunlight it shines on my face and for a brief time it is a relief to my soul, and it brighten my mind by looking at the clear blue sky and the beautiful mother of nature. . . . I will live for humanity and for the solidarity and for the fraternity and for gratitude to all the friends and comrades who have worked for Sacco and Vanzetti; and I will live for freedom and for justice that is the justice of all of us."

IX

From scenes in Dedham jail Cornelia would walk a few blocks to Dedham court-house, and watch the male members of her family engaged in wholesale respectable perjury. She saw Henry Cabot Winters, who had spent his life harrowing other persons, and now for the first time was toad instead of harrow. Every trace of the familiar ease and charm was gone from Henry's manner; he was exactly like any other witness telling lies and getting caught; the perspiration appeared upon his forehead, and had to be mopped away repeatedly. Under solemn oath he had declared that on a certain date he had had no interest whatever in the concerns of Jerry Walker; and then Jerry's lawyer produced the charge-accounts of Henry's office, in which the great man and his subordinates kept a record of the expenditure of their valuable time. On those pages Henry was set down as having given a thousand dollars' worth to the Jerry Walker matter, and then five thousand more—it meant several days! He had even gone so far as to open a separate account for time given to the felt-business; he was starting to take it over, at a time when the owner was resting serene in the prom-

ises of Rupert and the other bankers, that he was to have three million dollars' credit to handle his war-contracts!

Jerry Walker's lawyers produced the accounts of all his concerns, and showed how prosperous they had been. They showed the complicated series of moves whereby Henry Cabot Winters had made it impossible for Jerry to get a dollar out of any of them. The lawyer had started fake bankruptcy proceedings against one enterprise; he had secretly purchased some of Jerry's notes, and caused other persons to start lawsuits, to place attachments and obtain injunctions. And now here he was on the witness-stand, squirming and wincing, obliged either to admit that he had done these things, or else to be proved a perjurer.

On another day Cornelia heard the cross-examination of a great banker from New York, president of one of the dozen institutions which control the financial life of America. This gentleman had held several hundred thousand dollars' worth of Jerry's notes, and had turned them over to Rupert and Henry, to be used in clubbing Jerry to his knees. He had sat down with the lawyers and learned an elaborate mass of perjury, and felt very uncomfortable while telling it to Jerry's lawyer, because that lawyer happened to know him well. The lawyer asked a simple question, about which he knew the banker was going to lie; and he fixed his stern gaze upon his victim, a sort of hypnotic stare. Something happened to the witness, he "lost his head," as the saying is; all that elaborate structure of falsehood which he had learned went suddenly out of his mind, he couldn't remember the beginning or the end of it.

A dead silence in the court-room, a long, long silence, apparently endless. The witness sat with the lawyer staring into his eyes, like a rabbit fascinated by a snake. At last the judge had to intervene: "Are you conscious at all of any mental agitation just now, so that you would like to leave the stand for a time and compose your mind? I think we have been waiting nearly fifteen minutes for your answer to that question. Are you sensible of a desire to leave the stand for a while? If you are you may do so."

But the great banker could not think what to say, even to that. The Court had to repeat and urge. "You might answer that

question. I ask you if you desire to leave the stand for a time and collect your thoughts on this subject?"

Finally the witness found his voice: "I would like to, to be perfectly sure on this."

Upon which the proceedings of the Superior Court of the Commonwealth of Massachusetts, now sitting within and for the County of Norfolk, came to a halt. The great Wall Street banker left the chair, and sat apart in the court-room, while everybody else, including the judge and the jury, did nothing but wait. An amazing, an incredible scene. Whispers of the spectators now and then, but mostly dead silence, so as not to interrupt the mental labors of the man of millions, supposed to be trying to recall whether he had had a certain conference with a certain man on a certain day—but in reality trying to bring back to mind the elaborate structure of falsehood which his lawyers had worked out for him.

For almost an hour that extraordinary pause continued; and all the while there were ghosts in the court-room, calling to Cornelia Thornwell. The ghosts of Nicola Sacco, being harrowed by District Attorney Katzmann! Nick being accused of the crime of having slandered Harvard College! Cornelia imagined him asking for an hour's time to dig up from his subconscious mind the statistics, that Harvard educated free something over one hundred students every year, while the University of Wisconsin educated five thousand, eight hundred and ninety-five! She imagined Nick asking for an hour's time to recollect whether he was "that man" who had dared to criticize America, after running away to Mexico! She imagined him sitting for an hour trying to recall what his lawyers had told him he had been doing on the night of his arrest! Picturing such things, Cornelia had an impulse to laugh out loud; which would have been a shocking breach of decorum—the Superior Court of the Commonwealth of Massachusetts, now sitting within and for the County of Norfolk, would never have recovered from it. But no, Cornelia had been for forty years the mistress of a blue-blood household, and she sat, perfectly rigid, keeping her excitement inside.

X

Dark days for the Sacco-Vanzetti defense, that year of 1924, with first Nick in the insane asylum, and then Bart. Funds had run out entirely; Fred Moore was a lawyer without an office; there was no committee, no program, no action—nothing but two wops in torment, and a promise of some legal decisions in an indefinite future. Judge Thayer was having an attack of pneumonia, and then of appendicitis; but refusing to die and let some other judge deal with the case. He would keep the half-crazed victims in their cells, until he could have the glory and the thrill of summoning them to court again, and with his cold metallic voice like a thin strip of steel cutting into their souls.

Betty and Joe had finished their year in the paper-box factory in a blaze of excitement. They had organized the workers, and been discharged for their activities; whereupon the workers had declared a strike, and stayed out nearly a month, and got soundly walloped by police and bosses. Betty had had her turn on the picket-line, and as a result had changed her philosophy; she was all for solidarity, and opposed to every label —socialist, communist, anarchist, or what not—which split the workers and wasted their energies. She would go to Charlestown to visit Bart, and they would get into an excited controversy, and Bart would write treatises to controvert her heresy. He would forget his own deadly peril, in his anxiety to save Betty from a false theory.

That was characteristic of all the Boston anarchists—they were strong on theory, and weak on actuality. It was that which made the defense so difficult; when a new move was to be made, they had to be persuaded, and it was a job that took until the small hours of the morning, and then had to be done all over again. No anarchist committee meeting ever ended, because somebody had a right to say something more; no decision could be taken, and if it was, it wasn't binding. If you didn't like it, you said nothing, but went off and worked against it. If anybody said that wasn't fair, you shrugged your shoulders and said: "Shoo—er, why not? Ain't I got right for say what I please? No, I no got to say it in committee, I say it when I want say it. If you not like it, you got right say so—any time, any place."

In other words a committee of anarchists was a contradiction in terms; it was not a committee, but a number of impermeable and unassimilable units, and anybody who ever did anything was sure to be regarded as a dictator or meddler. Fred Moore was sleeping on a canvas cot in the committee-headquarters, and living on pancakes, because he had turned in his last salary-check to pay the printer; yet, if you brought up a new plan to raise funds, you would be sure to hear that it was contrary to "filosofia anarchica." If, nevertheless, you insisted upon action, you would be told, "All right, do it, if you want, you got right." But if you insisted that the sanction of the committee was necessary before the action could be effective, you would hear, "No, we don't give no sanction, if you want do it, you do it for self."

Even at times when money was on hand, it was almost impossible to get them to pay it out. Money was contrary to "filosofia anarchica," it was an instrument and a symbol of graft. What did people need so much for? What right did they have to it? In one desperate pinch, Cornelia sent an organizer to New York, to address meetings and appeal to the radical labor unions, especially the Jewish clothing-workers. This man sent back a couple of thousand dollars; but he had to come back to Boston in order to get his weekly pay-check to keep him going.

Fred Moore's idea was to spend money to get more; it was the American way. When he learned that there was a convict in Atlanta penitentiary who might tell something about the real bandits, he wanted to get on the train and rush down there; he did not want to spend a night arguing with the committee, and miss his train as a result. When he wanted to send a man to Italy to hunt for Coacci or Boda, or to trail a suspected bandit to Texas or the Argentine, Moore would have to threaten to drop the case; it would be the only way to get a check signed.

Such were the sufferings of lawyers in contact with anarchists: and equally real and anguished were the sufferings of anarchists in contact with lawyers! To rebels and "libertarians" the lawyer was the incarnation of repression and enslavement; he was a spider who spun webs of tradition about the limbs of humanity. Everything he did was waste, his very language was an insult, and the expense he incurred meant a bleeding to death of the radical movement. Let the martyrs die, and spend

the money upon "literature," said the fanatics. But the lawyer would point out that the money would not come for "literature," it came to keep the martyrs alive, and he was the sole possessor of the secret lore whereby that might be accomplished.

As individuals, you would find many of these Italian anarchists simple and lovable, sometimes charming; in their naïveté a relief from New England stiffness and solemnity. You must be patient with their fanaticism, realizing that it was the excess of a virtue; they represented the principle of variation, without which human life would be that of the ants and bees. When you found them most exasperating—when you felt like taking the whole of "filosofia anarchica" and dumping it into the Back Bay—then you must remind yourself that great scientists had held and taught this creed, Kropotkin and the Reclus brothers; great poets, such as Shelley and Emerson; moral teachers, such as Tolstoi and Thoreau, George Fox and William Penn, Jesus and Buddha. Not all these had called themselves by the name anarchist, but all had stood for the principle, the supremacy of the individual conscience over social compulsion. If the movement produced more dangerous lunatics than it did prophets and saints, that was the price which humanity had to pay in the search for higher types of being.

XI

Dark days for idealists and dreamers of "joostice"! Fascist reaction enthroned in Italy, and reaching out to control America; organizing the Italians into murder-bands, to break up Socialist meetings in American cities, and obtain the deportation of Italian radicals, to be shot at home. In such activities they would have the coöperation of American police, and of Federal secret service; Mussolini was the new hero of our bankers and college-students, generally voted the greatest man in the world.

It was a presidential election year, and Senator LaFollette, who had exposed the oil-thieves, was a Bolshevik and betrayer of his country, while "Cautious Cal" was the strong silent statesman, who had made more speeches than any other man ever in the White House. In their frenzy of reaction the big business men even set out to smash the proposed constitutional

amendment prohibiting child-labor, and keep several millions of little ones in mills and mines, instead of going to school. There was a ferocious campaign in Massachusetts, an explosion of all the forces of bigotry and avarice. The little group of workers for the Sacco-Vanzetti defense lived in the midst of that uproar, like travelers in an African jungle who hear the beating of tom-toms and see the glare of fires upon which human flesh is being roasted.

Cal Coolidge's political and financial boss was a great lord of cotton-mills in New England, soon to be made a United States senator. He it was who led this campaign, and rallied the business men and bankers, the newspaper editors and college professors, the bootleggers, the criminals, and the hierarchy of the Catholic Church. This latter organization, kept generously by the business interests, had invested its funds in choice real estate, and become one of the wealthiest corporations in the Commonwealth. Now was the time for it to pay its debt, and suffer the little children to come unto the mill-masters.

The head of this religious machine was Cardinal O'Connell, jovially referred to by the newspaper men as "Big Bill," and by his enemies as "the papal bull"; a huge hippopotamus of a man, weighing over three hundred pounds, and like Clara Thornwell Scatterbridge and the chief officer of Dedham Jail, devoting his attention to the problem of "reducing." It happened that Cornelia had spent her summers near the prelate's summer residence, and seen him daily, taking his constitutional, a picturesque figure in a scarlet cloak, against a background of azure river. To his intimates he was a genial and convivial soul —not troubled by the eighteenth amendment, but having access to the best stores of conviviality. He was an organist and a judge of pictures, a generous buyer of old masters and rare books; a Renaissance prince of the church, building a white stone palace out on Commonwealth Avenue. The Jews had built themselves a Temple Israel nearby, a plain concrete structure, and the Irish-Catholic conductors of street-cars, answering the questions of tourists, would point their thumb contemptuously and say, "That? Sure, that's Cardinal O'Connell's garage."

Cornelia went to see him, a little later on, escorted by her nephew Quincy. She pleaded with the great man to say a word

for mercy to Sacco and Vanzetti; but he was cautious and preferred to talk about Japanese art and Buddhist philosophy. Quincy sat, a much-amused spectator; being a wit and diner-out, he knew the great man, and had brought his Bolshevik aunt to tea by way of a prank. Going and coming, Quincy told stories about the Cardinal, who had begun life as an Irish "mick" in "the Patch," as the slums of Lowell were known. He was much too intelligent a man to believe the mythology he taught; but he held that it was what the masses needed to keep them obedient. He owned many blocks of stock in cotton-mills, and was a reactionist now, but in his young days had been a modernist, and highly indignant because some of his writings had been put on the Index.

There were many Catholics among the millionaire industrialists and bankers of Massachusetts, and the Cardinal would invite them to dinner; they would come with stars on their bosoms and garters on their legs, and would be in heaven. The great prelate could ask them for a million or two any day, and buy the best sites for orphan asylums and seminaries and church colleges and what not. In this way he had spent fifty million dollars in ten years. So now when these mill-owners and bankers wanted the people of Massachusetts to vote their children into wage-slavery, "Big Bill" was the boy to do their job.

Four Sundays during the month of October, 1924, he made every priest in the diocese stand before the high altar at high mass, and read aloud a diatribe, based upon the lies circulated by the manufacturers' agents, representing the Children's Bureau at Washington as a device of Moscow for the undermining of the American home. Mrs. Florence Kelley, leading social worker, and champion of the child-labor amendment, had once been the wife of a Russian. Thirty-two years previously, she had divorced this man, and had received from the courts the right to resume her father's name of Kelley; she had been a "Kelley" for sixty out of her sixty-eight years of life. But now the opponents of the child-labor amendment placarded her from Maine to California as Mrs. Wischnewetzky, Bolshevik agent! By methods such as this, they induced the people of Massachusetts to vote down the amendment by two to one, and the little children of the Commonwealth were saved for God and Senator Butler.

XII

In November, 1924, after a year, Judge Thayer handed down his decision on the Proctor motion for a new trial. This motion was the main reliance of the defense lawyers; they could not imagine how the confession of one of the state's leading witnesses that he had "framed" his evidence in collusion with the prosecutors, could fail to be ground for a new trial. But "Web" would show them! He would crowd all his arts into one document—twisting and wriggling, evading issues; misrepresenting everything the defense lawyers had claimed about the Proctor confession.

The issue was very simple, but "Web" wound it up in thousands of words, and to make plain all his tricks would require thousands more. He said that the questions asked of Captain Proctor were clear, and must have been perfectly understood by him; which would have been a good joke, if it had been meant as such. Of course they were understood by Proctor, and no one had ever suggested that they were not. What Proctor had confessed was that the questions had been contrived for the purpose of being obscure to the jury: which was certainly an entirely different matter.

Next "Web" asked whether the questions were "unfair or improper." Of course they were not. What had been "unfair and improper" was that the witness and the district attorney had framed the questions in such a way that the jury would think they meant what they didn't mean; also that the judge had represented to the jury that they meant what they didn't mean.

The question which had been "framed" had to do with whether Proctor, as an expert on fire-arms, believed that the "mortal bullet" had come through Sacco's pistol and none other. And it really made you wonder if you were dealing with an insane man when the judge went on from point to point, asking over and over again why Proctor hadn't said plainly what he meant; as if Proctor had tried to make matters plain, and failed—when the whole point of the confession was that he had deliberately made matters obscure!

But "cunning old Fury" was not insane; he knew what he was doing, and went ahead, twisting every contention out of

shape, misrepresenting the plain meaning of the plainest English words. He charged the defense lawyers with having claimed that Proctor "honestly believed that the mortal bullet was not fired through the Sacco pistol." But Proctor had not said that, and the defense had not said that he had said it.

Funniest joke of all—"Web" said that the answers of the district attorney and his assistant to the Proctor confession were "clear and convincing." To employ the slang of Pierre Leon, you could "bet your shoes" they were! They were clear and convincing of the fact that Katzmann and Williams knew that Proctor's confession was true, and had not dared to deny it while Proctor was alive. They had carefully evaded the main point; and the judge now carefully followed suit; relying, of course, upon the fact that nobody would have the text of the answers, nor the patience to disentangle the sophistry in them.

Having performed this intellectual feat, "Web" was proud of it, and went out, as usual, to boast. He thought he had earned a holiday, so he went to Dartmouth, his college, to attend one of the football games. On the field he saw Professor James P. Richardson, and came up to him, demanding in a loud voice: "Did you see what I did to those anarchistic bastards the other day? I guess that will hold them for a while. Let them go to the supreme court now and see what they can get out of them!" There was more to the discourse, and the professor stood, upon pins and needles, as the saying is, because it seemed to him an unimaginable impropriety, and he knew that others were listening. He got away as quickly as he could.

It was "Web's" way. He was engaged upon a crusade, to destroy the Reds in Massachusetts; and he did not understand how others could fail to be interested in his exploits. He would punish his friends, his club-mates and associates with long tirades, until they would be bored and ask him to quit. A group of lawyers who lunched in the club at Worcester, would turn their shoulders to him and talk about other matters. The old man would sit mumbling to himself: "They don't understand! They don't realize! The Vandals are at our gates, and are going to destroy us!"

XIII

This failure of the "Proctor motion" was the finishing blow for Vanzetti. Impossible to hope after that! Impossible to go on enduring the indignities of prison. Bart decided that his friends and the whole movement were being betrayed. Also he took up the notion that his ill health was due to slow poisons given to him in his food. He too declared a "hungry-strike," and about Christmas-time of the year 1924 was certified to the Bridgewater asylum. The Sunday after he was taken away, the prison chaplain preached a sermon to his flock, pointing out the danger of departing from the holy faith. Look at poor Vanzetti, who had lost his mind, a hopeless wreck! It was the same Father Murphy who had said, "Tell me, Vanzetti, who drove the car at South Braintree?"

To the psychiatrists at Bridgewater this prisoner represented a well-known type; a victim of what they called "delusions of grandeur," or the "messianic complex." He had the notion that the future would be interested in him and his sayings and doings; that books would be written about his case, and translated into many languages, and read by millions of people. He lived his life and endured his sufferings in the presence of future generations, who would reverse Judge Thayer's verdict upon him, as they had reversed other verdicts upon agitators and rebels—John Brown and Giordano Bruno and John Huss, Galileo and Socrates and Jesus. Furthermore, he had the fixed idea that he could learn to write English, and accumulated quantities of manuscript, which he thought would convert others to his cause.

In order to pacify him, it was necessary to pretend to agree with him, and then one could have quite interesting talks. He was a man of surprising culture, considering that he had been a laborer all his life; he was reflective, shrewd, even humorous at times. He did not make friends easily, preferring to sit aloof; but when a physician said that he believed in "joostice," the prisoner would be eager to explain his brand of it, and would sit for hours, telling Dr. Stearns with the utmost seriousness how a society might be run without government or forcible repression.

These specialists in human mentality were not asked their

opinion as to the probable guilt of this convicted bandit, but they could not help having ideas on the subject. They reported Vanzetti as of the intellectual, not the motor type; awkward, not active. They said that if he committed an assault, it would be, not with intent to kill, but to show feeling. They pictured a man with his excess of emotion and imagination, attempting to commit a hold-up; it was their judgment that his heart would beat violently, his knees would shake, he would hear a noise behind him, and whirl about and shoot blindly, or throw away the gun in a panic—a "brainstorm," as it was known to the writers and readers of crime-news. The psychiatrists furthermore reported that the professional bandits and hold-up men in the prisons jeered at the idea that Sacco and Vanzetti could have done that South Braintree job; they were offended in their dignity by the suggestion that a couple of bunglers and novices could have got away with anything so competent and swift.

XIV

The jury brought in its verdict in the Jerry Walker case; a terrible blow to the Thornwell men—saying, in effect, that they had perjured themselves upon the witness-stand. The jury found that Jerry Walker was entitled to damages equal to the market value of his properties at the time they were taken from him, plus the interest; a trifle over ten and one-half millions of dollars. It was the biggest verdict ever brought in the Commonwealth, and men talked about it in the clubs for weeks.

The decision was announced a week before Christmas, and completely spoiled that gracious season in the Thornwell, Winters, Alvin, and Scatterbridge homes. Rupert took to his bed with a severe "coryza"—since it would not do for a great banker to have a common cold. He entertained his wife and visiting ladies of the family with terrible pictures of the collapse of Boston banking, consequent upon the custom of allowing decisions concerning millions of dollars to rest in the hands of men who could not have financed a peanut-stand. According to Rupert, all the bankers in Boston would immediately be sued for all the money they had made in the last ten years—which was a commentary on the city's banking-system from a leading authority.

Rupert's expensive lawyers would be put to work at once to appeal the case; and even while he was scolding and pessimizing, and snuffling and sneezing and snorting and blowing with the coryza, Rupert's mental dynamo was driving away at new plans. The details of the appeal would be left to the lawyers, while Rupert would concentrate on the judges. He had suggested the appointment of two or three members of the Supreme Judicial Court, and hoped he could count upon them. He began figuring over the others: their families and connections, social and financial. Whose men were they, and what obligations were they under?

Presently Rupert would be sending for good gossips, such as Quincy Thornwell, who could help him pick up information. If any of these judges had close relatives who were lawyers, it might be a good idea to retain these. If they had intimate friends who could talk to them, methods must be worked out to approach these friends—in a strictly high-minded and proper way, of course—pointing out to them the dreadful state of uncertainty in which the financial affairs of Massachusetts were left by this unprecedented jury decision. How could big bandits stay in business, if, after they had held a pistol to the victim's head and got him to sign a document excusing them for the robbery, the police should be allowed to step in and say that the document didn't count?

It would take more than two years for the Full Court of the Supreme Judicial Court to weigh and decide this mighty issue; so Rupert had plenty of time to continue his intrigue. He would not have to buy any members of the higher court; he trusted that nobody had been appointed who was not the sort of person to respect great bankers and appreciate their difficulties as the invisible rulers of America. It was an unwritten custom that as soon as a man was appointed to this court he was also made a member of the very old and exclusive Union Club; so Rupert and his associates would meet the justices at luncheon every day when the court was in session; and while they would not be so crude as to refer to the case, they could talk about business stability and the sanctity of contracts; they could arrange for others to do the same, the big and weighty men to whom the justices had had to come, to beg for the favor of appointment. At the time when Rupert knew the

Full Court was giving its time to the case, he would bring it about that great bankers from New York would happen to ride up in the elevator with the justices and happen to remark in clear tones that all business in New England was held up, waiting to find out if the courts were going to permit credit to be undermined and contracts repudiated.

XV

Yet, with all this power in his hands, Rupert was nervous; he could not help worrying, to the great damage of the calcified veins in his ankles and legs. His brother-in-law tried in vain to keep him cheerful: Henry Cabot Winters, who had worked out for himself a wonderful scheme, whereby he was going to snap his fingers at all courts and their decisions. Henry was going to make over his property to his sister, and then go into bankruptcy!

Ordinarily this service is performed for business men by their wives; but Henry was afraid of Alice. Not that she would keep his money—no Thornwell would ever be a thief; but she might have a brainstorm, and decide that it was for the good of his soul for the money to be turned over to an occultist society. Just now the mad streak in the Thornwells was manifesting itself in Alice's determination to be a lady "chela." She was bringing bowls of rice and fresh straw for bedding to a real "shri," who was at one with Brahma, and must not be spoken to. Every day Alice put on a snow-white robe and stood in front of a black screen in a pitch-dark room, in order that her aura might be studied, and her soul-troubles diagnosed thereby.

But Henry had a sister, Agatha Winters, who was pure "New England," unmarried and unchanging. He went to see her in the village where she lived in the family homestead, devoting herself to church work. He explained his troubles; wicked men had conspired to ruin him, and if they succeeded, obviously he would no longer be able to contribute to his sister's support, and she would no longer be able to give her time to the Lord. So Agatha knew that it was the Lord's purpose for her to aid Henry against his enemies. She had learned from the Old Testament that the Lord aided His own against others, and that He was not too scrupulous as to the means.

So Henry put five hundred thousand dollars' worth of liberty bonds into Agatha's name, and had them sold and converted into a bank-draft payable to her. She endorsed it, and Henry sold her some of his property for it. He then bought more liberty bonds, and had them sold in Agatha's name, and put the money into another bank-draft, for which Agatha bought another half-million dollars' worth of his property. This procedure was continued until Agatha was the registered legal owner of every bond and share of stock and piece of real estate which Henry owned, including everything which he had got from Jerry Walker; including even the automobile he drove, the yacht on which he spent his week-ends, the five-gaited snow-white Arabian stallion which he rode, and the apartment-house in which he kept his mistress, a charming and popular concert-singer.

So the great lawyer could go into court and swear that he did not own a dollar in the world; and Agatha would be able to produce canceled vouchers, showing the actual payment of cash to the full market value of every piece of property she had acquired. Hidden away in a safe-deposit box to which Henry alone had the key there was a will, executed by Agatha in Henry's favor; and a deed, selling back to Henry for the sum of one dollar and other good and valuable considerations, all the property which Henry had sold to Agatha. This latter document was blank as to date; thus Henry had everything fixed so that, the day the Supreme Judicial Court upheld the Jerry Walker verdict, he could file a petition in bankruptcy, and wipe out his share of the claims forever. After which, he would take back his property again, and laugh in the face of his enemies!

XVI

The Thornwell generations came and went. Great-uncle Abner had a paralytic stroke, which intercepted the nerves in his legs. No longer did he ride about "Hillview" on a pony, but sat in a wheel-chair and stormed and fussed when his attendants delayed to bring his meals. He still had his deaf man's voice, but could not hear a sound; you wrote your ideas on a pad for him to read. You did not have to write very much, because he was interested in his own ideas, and content if you

would sit and nod and smile. Every time he found anything in his *Evening Transcript* damaging to the reputation of a "Red," he would cut it out and mark it, and mail it to Cornelia with injurious comments.

To make up for the loss of Abner's legs, Betty's older sister, Priscilla, brought four of them, eagerly kicking, into the world. The first time it was a boy, and his name at once became Alvin Thornwell Shaw, quite a load for two tiny red legs to kick under. Since his father was a mighty mountain of copper, it pleased his Aunt Betty to refer to him as the young copper hill; and when the second heir arrived and proved to be a niece, Betty took to calling her the little branch bank. Betty herself was not going to provide her mother and father with any grandchildren—at least not for a while. Betty talked defiantly about the wicked practice known as "birth control," and said that this was not a fit world into which to bring babies. What was the use of raising boys for the military men to take away from you and kill? What was the use of raising either boys or girls when their grandparents would insist upon leaving them millions of dollars, thereby turning them into parasites and deadheads?

Family propriety compelled the inviting of Cornelia to act as godparent to both the copper hill and the branch bank; but each time she modestly declined, not feeling equal to the responsibility of training either Thornwells or Shaws. But she attended the baptisms, which were in Trinity Church on a weekday afternoon, with many relatives and some invited friends. The font had been made beautiful with flowers, and there was a hymn sung by those present, and the precious infant slept soundly, wearing the embroidered christening robe, two yards long, which had been made for Great-great-great-grandfather Thornwell, the sea-captain, and used at the baptisms of his infant descendants ever since. When the splashing of cold water woke the victim up, it let out a yell of indignation, which was a good sign, the old ladies said, because it let the devil out; the old men chuckled, and commented—a powerful voice, like Abner Thornwell's and Josiah's—it was the old stock!

There were two godfathers and one godmother for the boy, and the second time one godfather and two godmothers for the girl. Each time these sponsors in baptism did promise and

vow three things in the infant's name; of which the first was that it would "renounce the devil and all his works, the vain pomp and glory of the world, with all the covetous desires of the same." Cornelia Thornwell looked about her: here was the elder Shaw, grandfather of this infant, who sat tight upon a huge store of treasure, and some twelve years ago, when his wage-slaves in the Mesaba Range had dared to revolt, had sent in thugs and gunmen to slug and murder them, exactly as if it had been at home in Massachusetts. And here was Rupert Alvin, who had taken away ten million dollars from Jerry Walker, and now was trying to undermine the highest court of his Commonwealth in order to keep it. The covetous desires of the world!

And then the "vain pomp and glory." Here were stately male personages in striped trousers and cutaway coats, or braided black broadcloth, the very stick-pins in their ties having ritual significance; here were ladies, who had made a life-study of the art of demonstrating their millions and tens of millions without appearing to do so. Here was a temple built with hands, having single windows which had cost thousands of dollars, and nothing within sight of it that was not luxurious. Outside were shining limousines, and liveried chauffeurs waiting. At the Alvin mansion there was a collation, and heads of finance and fashion would eat cake and drink punch, and gossip about everything that was expensive and therefore important. At the Shaw mansion they were preparing a dinner-dance for next week, that would be the most costly affair of the season; they would furnish the newspapers with every detail of a great family advertisement, and eagerly read every word next morning. The vain pomp and glory of the world!

And all this in the name of Comrade Jesus! A strange, strange prank of time! Cornelia came out from the famous brownstone temple, erected to the glory of the proletarian martyr, and walked past the statue of Phillips Brooks, which graced one side of it. A figure of the Son of Man, stepping out of the side of the building and laying his hand upon the shoulder of the great Bishop of the Blue-bloods. Bishop Brooks had been quite a radical in his day, and the wits of the city were wont to say that the hand of Jesus was an admonitory hand, and that

Jesus was saying, "Be careful, old man, remember what they did to me, and I didn't say half what you are saying!"

From this ceremony Cornelia went to visit Vanzetti, who had been certified back to Charlestown, and was shoveling coal again. She was moved to tell him where she had been, and what she had seen, and her thoughts on the subject. "I have been wondering, Bart, if they should make a martyr out of you, will people be committing crimes and hypocrisies in your name a couple of thousand years from now?"

It was an idea the prisoner took seriously; the thought of martyrdom having become the mainspring of his lonely life. "Nonna," said he "if they make me martyr, I fix it, I write message it cannot be mistake. If anybody say Vanzett', it mean joostice, it mean freedom—it cannot mean nothing but!"

XVII

It was Boston, pious, proper, and proud. The *Telegram* was publishing onslaughts upon Sacco and Vanzetti, calling for their blood because they were "atheists." One day the staid bankers and brokers of State Street, proceeding about their business in front of the Old State House, scene of the Boston Massacre, were astonished by the spectacle of the publisher of the *Telegram* rolling in the gutter, pummeling and being pummeled by the Honorable James Michael Curley, until recently mayor of the city. Next day the two champions were issuing statements in the newspapers, each claiming to have done the more successful pummeling. The day after that the publisher was publishing a cartoon of the ex-mayor, showing him in prison stripes—he having "done" a few months many years back. And then the ex-mayor was sending the publisher to jail for criminal libel: all this in Boston, pious, proper, and proud, thirsting for the blood of "atheists"!

CHAPTER XVII

THE MILLS OF THE LAW

I

Betty Alvin was now twenty-six years of age; old enough to know better, as her family and friends insisted, but she continued to give her time to the stirring up of social discontent. She and Joe had taken up the task of founding a labor college in Boston, to teach the workers to think for themselves, instead of for the stockholders and the bankers. Joe was teaching a class, two evenings a week, the history of European labor movements, and writing a book on the subject. Betty, learned young lady, was expounding "labor theory"; trying to adhere to a policy of working-class solidarity, and being perpetually pulled and hauled between socialists and communists. However, they would all excuse her, on the basis of her "bourgeois upbringing." In the daytime she inspected accounts and paid bills; or, when this was not possible, sallied forth to raise money. She would visit the offices of Irish-Catholic labor leaders, and do her best to persuade them that it was really in the interest of unions for idle-rich girls to meddle in their affairs, and teach them complicated theories with long foreign names.

Hard-fisted individuals these, having fought their way in a world of realities—which included Democratic and Republican politicians seeking votes and promising favors; also agents of employers making presents of boxes of cigars, and willing to lose unlimited sums at poker. "Parlor pinks," who mixed in the affairs of such gentry would learn a lot of things not in the Radcliffe curriculum; they would have a hard time deciding which leaders to educate and which to kill off. For the sake of Sacco and Vanzetti in the shadow of the electric chair it was necessary to be patient and tactful; to appeal to class solidarity, and to human feelings not entirely atrophied. Thus you might get a chance to present your case before some labor

body, and have anywhere from twenty-five to a hundred dollars voted to the defense.

Betty had now been for more than three years the lawful and duly certified wife of Joseph Jefferson Randail—even though she insisted upon belonging to the "Lucy Stoners," and remaining "Betty Alvin," not even "Mrs." Was it a part of the same eccentricity, that she refused to do her duty by her family, and pass on to the ages those excellences of which the family was so conscious? Did these modern young wives repudiate babies altogether, and, if so, what substitute had they to propose? Deborah never failed to make such inquiries when she met her daughter.

Now Betty came to Cornelia: "Grannie, I guess it's my turn."

"How do you mean, dear?"

"Well, there's a saying that accidents will happen in the best regulated families, and it seems that the Lord is on the side of the Thornwell clan." Such was the fashion of speech of these modern, hard-boiled young women; they would not permit themselves any of the traditional thrills of their sex, which they called being "soppy." When they referred to matters ordinarily considered "delicate," they seemingly went out of their way to find the most offensive language, with which the ears of their chaste grandmothers had never in a whole lifetime been assailed. In Betty this reaction was especially violent, as a result of having been brought up in Boston, and hearing somebody say "Hush!" several times every day. She persisted in going about telling all her friends, both men and women, the medical facts about herself; refusing to put on garments ingeniously contrived for the hiding of her shameful condition, going to her labor college and teaching classes at a time when she was a scandal on the street.

She even told two "wops" about it, when she went to see them in jail. They, being peasants, took it as a matter of course; they were used to babies, as to all other kinds of young animals. Betty would even permit Vanzetti to be "soppy"—he being in jail, and having a hard time to keep his sanity. Poor devil, he needed something young and new and sweet and healthy and happy to occupy his thoughts, so when Betty went to see him, she told him how it felt when the unborn baby

kicked. It might have been one old "nonna" gossiping with another old "nonna," scrubbing clothes on the banks of the River Magra.

In due course the infant phenomenon arrived. It was a boy, and his name had been determined several months before he was born—Rupert Alvin Thornwell Randall; it would be worth millions to him some day, in spite of his mother's protests. The war that was to last all his lifetime began in the first weeks; for of course his name wouldn't be his name, until it had been conferred upon him in Trinity Church; and here were his mother and father declaring that he wasn't going to be baptized! The family brought Betty to admit that it wouldn't do any harm; if they chose to dress him up in an old linen robe two yards long and sprinkle cold water on his head, she would not interfere, but certainly they must not expect her or Joe to waste time on such foolishness. Neither must they get the idea that this particular grandchild was going to be permitted to visit them, and be waited upon by servants and demoralized by the uses of luxury. Rupert Alvin Thornwell Randall was going to live among working people, and grow up to be of some use in the world. The grandparents did not argue that; they would have the baptism first, and save the little one's soul. The other issues could be fought out later!

II

Cornelia was continuing to devote her life to the Sacco-Vanzetti case. She would get herself invited to gatherings of ladies, and tell them the cruel story, and when they said they were "so sorry," she would ask just how sorry, and explain that sorrow was measured in figures on a bank-check. She would help the defense committee to organize entertainments and benefit performances—which, alas, sometimes cost more than they brought in. She would visit headquarters, and try to keep things moving, to reconcile the endless clashings of personalities. Always there was something needing to be done, and one could not do it, or even urge it, without antagonizing somebody. What Vanzetti called "umane beings" had not yet evolved to a stage where they could merge

their personalities and coöperate; they had to waste the greater part of their energies in friction. Cornelia would be so discouraged that she would give up, and tell them to do what they pleased; but then they would do nothing—and meantime there were Bart and Nick on the way to execution!

The antagonism between Fred Moore and some members of the committee had waxed with the years. It was impossible for anarchists to get along with any lawyer; it was especially hard with this one, who was hell-bent upon discovering the real criminals, and insisted upon spending defense funds in tracing clews, chasing off to Atlanta penitentiary or to Texas, sending some one to Italy or to South America to run down a story. Moore would either have his way or quit; and in the end his enemies made his position impossible, by undermining the faith of his clients in him. He received a letter from Sacco, signed, "Your implacable enemy, now and forever"; so the lawyer realized that the days of his usefulness were over. "I have failed," he said to Cornelia; "and it's a game where nothing succeeds but success."

There was an interregnum, with no lawyer, no anything else —except two prisoners on the way to the electric chair. Finally the committee was reorganized; some Italians withdrew, some Americans were taken on, and overtures were made to William G. Thompson to take charge of the new motions and appeals. He knew how much trouble it would mean, and set his fee at a figure which he meant to be prohibitive, twenty-five thousand dollars. There was a problem for Cornelia and Betty and Joe!

It was solved by a curious turn of events, hardly possible in any part of the world except Boston. A young man by the name of Charles Garland, while a student at Harvard, had known Jack Reed, and become troubled in his conscience. Now Reed had given his life to the Russian revolution, and was buried under the Kremlin walls; while his friend Garland fell heir to a million dollars. His conscience not permitting him to accept it, he turned it over to a committee, to be expended for the benefit of labor. So there was the "Garland fund"; and in this emergency it was persuaded to lend twenty thousand dollars to the Sacco-Vanzetti defense, and William G. Thompson was put in charge of the case.

A man in his early sixties, with iron-gray hair and ruddy skin, six feet tall and broad shouldered, dry and humorous, smoking a pipe and looking like a Yankee farmer, Thompson proved to be the boss of which the case had been in need. He became convinced that the machinery of justice was being used for persecution, and turned into a crusader in defense of his clients. Before he got through, the fee he had charged did not cover his office overhead; yet his enemies accused him of having profited unduly, and tried to have the Bar Association proceed against him for the offense of defending anarchists.

He had his strict ideas of propriety. This was a law-case, and was to be tried in the courts, and everything which savored of "propaganda" must be rigidly avoided. Which brought him, of course, into conflict with active friends of the cause. To Joe and Betty, propaganda was the essence of the defense; it was propaganda which had made possible the appeals and kept the two men alive; it was propaganda which brought in money to pay lawyers. Vanzetti's opinion was summed up in his formula, "Unless a million men can be mobilized in our defense, we are lost." He wanted the money spent, not for legal proceedings, but for speakers among the labor unions. But Thompson forced the canceling of a mass-meeting in Boston, by threatening to withdraw from the case if it was held.

Mary Donovan was now recording secretary of the committee without pay: an Irish-Catholic girl who had gone to college and joined the Socialist party, and been formally excommunicated by her bishop. She had a position as state factory inspector—but did not retain it very long after she took up the Sacco-Vanzetti defense. It was supposed to be a civil service position, but the politicians did not let that trouble them. They brought charges against her and proved that she had worked for the defense during several hours when she was supposed to be working for the Commonwealth. She offered to show that others in her department had done private work on public pay for weeks at a time; but that kind of evidence was not wanted.

Another recruit, Gardner Jackson, Amherst man, a newspaper reporter, very conscientious—the "Y.M.C.A. type," as an enemy described him; passionately convinced of the innocence of the prisoners, and being drawn in more and more

deeply, until finally he was giving all his time without pay. But he was not a "radical," and did not want any movement to use the case for its own ends; therefore socialists, and more especially communists, quarreled with him. These disputes went on until the very end—and afterwards, when the different groups fought over the corpses of the victims. Said Mary Donovan, white-faced with anguish, "These bodies belong to us! Can't they even go to their graves in peace?" But the communists thought that the bodies belonged to the international revolutionary movement, and should be used to waken the masses to class-consciousness.

III

But those horrors lay in the future, and the Master of Events led men to them blindfolded. Neither radicals nor conservatives might lift a corner of the veil, to see what lay beyond it. They could imagine, and fear—and shrink back, unable to face what they feared. They would clench their hands and set their teeth and redouble their efforts to stave off the inevitable.

The mills of the law were grinding. One by one they ground up the motions for a new trial: the Ripley motion, the Daley, the Pelzer, the Andrews, the Gould, the Goodridge, the Hamilton, the Proctor motions. Judge Webster Thayer denied them one by one, and they became the basis of appeals to the Supreme Judicial Court, and to the public for funds to defray the bills of official printers. Defendants' Bill of Exceptions, Defendants' Amended Bill of Exceptions, Defendants' Consolidated Bill of Exceptions; and the various Defendants' Briefs and Defendants' Supplementary Briefs—legal arguments addressed to the higher powers, pointing out the innumerable ways in which Judge Thayer had broken or overlooked the rules of the game.

When you read these, you could not see how "Web" had a leg to stand on; how any court could sustain the mass of evasions and falsehoods which he called his decisions. But apparently he had no worries about this; he was proclaiming his security to all and sundry. "Let them take it to the Supreme Court and see how far they'll get!" He knew that if the

court reversed him on grounds of prejudice, it would be equivalent to declaring him unfit for office. The chief justice came from Thayer's home town of Worcester, where they are very clannish, being looked down upon by Boston. Long before the trial, at a public dinner to Thayer, this chief justice, Rugg, had made a speech paying tribute to Thayer, and telling how helpful Thayer had been to Rugg when Rugg was beginning law practice.

In January of 1926, three days were set for hearings before this august tribunal, and Cornelia visited the Court House in Boston, a dingy gray old building crowded into Pemberton Square—which in her girlhood had been a lovely little park, surrounded by fine old red brick mansions of the best families. The Supreme Court room was upstairs, simple, bare and gloomy as a tomb; Cornelia sat and watched a row of seven elderly gentlemen in black silk robes at their work of adjudging life or death. William G. Thompson was called upon to argue, and the little group of friends thrilled and exulted. But, alas, such thrills were not contagious, they did not affect the elderly gentlemen behind the high raised desks. They sat, like black-clad mummies; and in the course of the long argument, Cornelia observed one of them with head sunk forward and shoulders collapsed, perfectly peaceful. Poor old man, he was nearly eighty, but still needed the job.

The average age of these ultimate arbiters was sixty-eight, and increasing every year; several were ill a good part of the time, so that it was a rare event to see a full bench in session. That threw a double labor on the few who were capable. But there was no way to get rid of the old ones, for the greater their age, the less chance that they would think of a new idea; and what the owners of property wanted was to have all things legal and governmental stay as they were. If owners of property wanted anything, they could buy it; they did not have to call elderly black-clad mummies to their aid.

The Chief Justice, Rugg, sat in the center; oddly enough, he was the only young one, being fifty-four, handsome, alert, bland and smiling while he crushed counsel with his rulings. He had been an efficient county prosecutor, and an ardent reactionary, and this was his reward. As a trustee of Clark University, in his home town of Worcester, he was the ardent

supporter of an academic clown who was turning a really distinguished graduate school into a laughing-stock of all scholars. Also he was a trustee of Amherst, and there had helped to oust one of the half dozen liberal college presidents in America.

Cornelia sat, her eyes roaming from one to another of the faces. She knew the names, she knew the family gossip, and would put this bit and that together. This one had been appointed by the governor who, after his term, became a vice-president of a great Boston bank; that other one the same. The family was venturing to hope that they were "safe" for a reversal of the Jerry Walker verdict. One was a Catholic, a former city solicitor; in matters concerning anarchism he would be tempted to stand by God and Cardinal O'Connell. One mumbled when he spoke, but Cornelia hoped his mind was still alert; also that he had not been affected by his acquaintance with Senator Crane, the respectable corruptionist who had collected the campaign funds of the rich. William Murray Crane, first governor and then United States Senator, had run Massachusetts politics in the interest of his own property and that of his friends. Had he made the mistake of overlooking the highest and most powerful of the courts?

Their enemies had not overlooked them; the men who answered corruption and class-arrogance with hate and blind destruction. During the days of the bomb-scares, somebody had planted a large one in a toilet in the court-house, close to the chambers where the august justices met. That was not merely a crime, it was an impropriety; and these old men would have been superhuman if they had not wanted to get hold of an anarchist, and teach a lesson to the others. The actual makers and planters of the bombs they could not punish, for these had changed their names and got away to Italy or South America—so the Department of Justice agents declared; but in Sacco and Vanzetti they had two who were at least friends and sympathizers.

On May 12th, 1926, the justices handed down their voluminous decision, in which they passed upon the Dedham trial and the exceptions thereto, and all the earlier motions for a new trial. Twenty-two thousand words of legal technicalities—fifty-six separate propositions which amounted to this: that Judge Thayer had been right in everything he had done, and

that none of his discretionary rulings betrayed irrationality or corruption—something the defense had never claimed. To admit what the defense really claimed—that the judge had revealed a thoroughly prejudiced mind—would have meant to declare him unfit to hold his position; and that they would not do. From now on it would be the law of Massachusetts that a judge who desired to use his enormous discretionary power against accused persons might do so without fear of being reversed.

The plain truth was this: in other cases, where it seemed to the Supreme Judicial Court that prejudice had been displayed in a trial, they found a way to spare the feelings of the erring judge —finding some technical ground on which to order a new trial. Never had there been more prejudice, never more errors, than in this case; but for some reason known only to them, the elderly justices declined to employ their usual device.

IV

A frightful blow for the defense; wiping out all the concealments of Katzmann, the bitter prejudice of Thayer, the confession of Proctor, the criminal career of Goodridge, the wobblings of Pelzer and Lola Andrews, the testimony of Gould —all legally dead forever! Shocking were the things which you might hear about the Supreme Judicial Court of Massachusetts from anarchists, and the aiders and abettors of anarchism, and their dupes like Cornelia Thornwell! She even got into a violent fuss with her son-in-law, Rupert Alvin—at least it was violent on Rupert's part; Cornelia could not help laughing—it seemed to her the funniest thing that had yet come out of the case. Actually, the president of the Pilgrim National Bank declared his admiration for the great integrity of the Supreme Judicial Court of Massachusetts! And after all his efforts to tempt the court from virtue! "Really, my son," said Cornelia, "there ought to be certain allowance for a sense of humor, even between a man and his mother-in-law! How long can you look at me with a straight face, knowing what you know that I know about our judges?"

Rupert tried to be sarcastic. "How can I tell what you think you know, since you have been associating exclusively with Reds?"

"No, my son, that won't help you! What I know is not from Reds but from bankers. You forget that for many years I was privileged to sit in a room while a great leader of Boston finance discussed his private affairs with his father-in-law. I never paid attention to the details—I wish now that I had—but I assure you I noted the atmosphere, and sometimes I left the room because it was so unpleasant."

"I defy you, Mother, ever to say that I have hinted at corruption in our judges!"

"If by corruption you mean selling their decisions for cash, as has happened in California and other states not so far away, I will grant that I have no evidence; but if you mean favoring our wealthy and powerful, if you mean protecting our ruling group in everything they do, then I say that the judges of our virtuous Commonwealth were appointed for that purpose and none other, and that their lives and records were gone over with a fine-tooth comb, before any one of them ever got started toward appointment. I have heard you scold a hundred times about the low quality of our political life, and the character of men who rise to high office in it."

"Yes, Mother, but never the courts!"

"There is an old question which you hear asked in church, Rupert: do men gather figs from thistles? You know how many times we have heard of judges going with cap in hand to beg favor from some political boss—either Murray Crane, or the Democrat in charge. How many of our judges can you name who are really legal scholars, publicists, economists or statesmen? They are products of the spoils system—retired politicians, ex-district attorneys or city solicitors—tools of the big corporations, put there as reward for services. Most of them have spent a life-time protecting public service and accident insurance companies, upholding laws against labor, upholding vested privilege in every form. How many of them have been in your pay, Rupert, before they went on the bench?"

She waited; and then remarked with a smile, "You could count faster if you wanted to. I know of a judge who was counsel for a great banker fearing indictment for perjury—and I know that he got that banker off through a district attorney who was afterwards disbarred for malfeasance in office."

Rupert showed a desire to withdraw from this unprofitable discussion; and his mother-in-law smiled.

"It was only in the most high-minded way, Rupert, I know! Our bankers name men who have been in their pay, and then it is the fiction that they forget gratitude! The public is expected to believe that men who have been truckling and time-serving politicians become spotless and noble-minded the moment they put on a black silk robe! But you know, and I know, that you are hoping for the Supreme Judicial Court to hand you Jerry Walker's money. And you know that they are killing my two boys for threatening property rights in New England."

V

The old evidence was wiped out, but new appeared to take its place and keep the case alive. First, the defense discovered Mrs. Kelly and Mrs. Kennedy, the two women who had looked out of a window on the bandit car, and had a perfect view of the one supposed to be Sacco. They had made to Fred Katzmann statements to the effect that Sacco was not the man, and Katzmann had kept this evidence from the defense for five years. Thompson now demanded the reports, but Katzmann's successor, Ranney, was mysteriously unable to find them. This was the time for Ranney to appear before Thayer and deliver his cynical pronouncement: "I wonder if Mr. Thompson has not an exaggerated and too ethical notion of the functions of a district attorney!"

Then the Madeiros confession. Celestino F. Madeiros was a young Portuguese, member of a gang which had robbed a bank in Wrentham and killed the cashier. He was in Dedham jail while his appeal was being heard, and his conscience troubled him, he said, when Sacco's wife came to the prison with the baby. On November 18th, 1925, he scribbled on a piece of paper: "I hear by confess to being in the South Braintree shoe company crime, and Sacco and Vanzetti was not in said crime." He handed the paper to a trusty, who gave it to Nick.

A long investigation began. Madeiros told a detailed story of the South Braintree crime, but refusing to name any of his associates. However, a skilled lawyer knows how to get

the facts out of a man, and the job was attributed to a group of freight-car thieves and hold-up men of Providence, known as the "Morelli gang." Several of them were in jail, and their records were traced; Cornelia now studied the career of such persons as Bibba Barone, Steve the Pole, Gyp the Blood. Also she listened to more wrangling in the committee, because the anarchists resisted the efforts to pin the crime on the Morellis or anybody else. "What for we play polissman for state Massachusetts?"

But Thompson went ahead, and collected a mass of affidavits to be submitted in a motion for a new trial: which went the usual round, and served the purpose of keeping Sacco and Vanzetti alive for another year. Motion filed May, 1926; hearing before Judge Thayer, September; decision and appeal, October; argument before the Supreme Judicial Court, February, 1927; decision April, 1927; all very solemn and very expensive, with ancient legal phrases and complicated rules, making certain that no layman could be his own lawyer. Bart would watch the game, and joke with Cornelia; he was glad to be kept alive, of course—he could speak more words for the cause; but at the same time he begrudged the money, which might better have been spent for literature. Bartolomeo Vanzetti, the anarchist wop, had become fond of William G. Thompson, the blue-blood lawyer, who was a learned and a great-hearted man. "But he is very naïve," said Bart, gently; "he believe in the Supreme Court."

The prisoner went on to explain. "It must be that way with a lawyer; he think he have to get his what you call them, precedents, right. He think if he can show how it was done before, then he has won. It is like chess—you ever play chess, Nonna?"

"My brother-in-law used to be a champion."

"Well, you make move, you say 'check' and you have won. It is a game. But this is not a game, this is war. You say 'check,' and your enemy he knock the figures off the board, he throw them in your face." As time passed, and the courts did this to the great lawyer, over and over again, Bart would remind Cornelia, and add, patiently, "I think some time they foolish Mr. Thompson."

VI

Then came the confessions of Letherman and Weyand—two agents of the Department of Justice, whose consciences had begun to trouble them. They had got out of the secret service now, the war upon the Reds being less active. They made affidavits, telling of the part which Federal agents had played in getting the conviction of Sacco and Vanzetti. They said, in substance, that the Department had felt sure that Sacco and Vanzetti were not guilty of the South Braintree crime, but that, since they were dangerous anarchists, it was desired to get them out of the way. The Department had turned over to the district attorney's office a mass of evidence, in return for an agreement on the part of the district attorney to help the Department get information. There was much correspondence in the files of the Department in Boston which would show what had been done.

So the energies of the defense were turned to getting hold of these files. Thompson made application to the United States Attorney General, Cal Coolidge's village lawyer from Vermont; a strong, silent protégé of a strong, silent statesman—and never more silent than now! Thompson did not get the files, and neither did anybody else get them. The attorney-general made no affidavit, and neither did any of his subordinates, and there was not a squeak from Fred Katzmann or Harold Williams, now a judge!

The motion for a new trial was argued before Judge Thayer in September of 1926. A great sight was William G. Thompson that day, for his moral sense was stirred, and he talked like an old-style prophet. He paid his regards to Fred Katzmann:

"Just think of what it means, if your Honor please! Think of what it means!

"Mr. Katzmann knew and knows to-day whether Fred Weyand and Lawrence Letherman told the truth. That truth is a truth of vital importance. Think what they say! The files of the Boston office are full of correspondence with Mr. Katzmann and of documents showing the closest coöperation between the Federal Agents and the District Attorney—not Stewart—the District Attorney in the preparation of this case.

Every Federal agent who knew anything about it believed these men to be innocent of murder. 'Every one of us believed they ought to be deported. They were anarchists, they did not believe in organized government or private property.'

"Oh, how those words will ring around this world, 'private property'! Think what is going to be said about it! The man who does not believe in private property in America may be killed whether he is guilty or not. That is going to be said from one end of the world to the other if this thing is allowed to go through. Can we afford it? I do not care how high an opinion your Honor has of Mr. Katzmann. It may be he was misled. Far be it from me to make any further or other attack on Mr. Katzmann than simply what the facts warrant. He has remained silent in the face of those accusations. Nothing that I can say is more eloquent than that silence. I desire to say nothing in addition to that silence."

VII

So much for the district attorney; and then Thompson turned his attention to the village lawyer from Vermont, the strong, silent protégé of a strong, silent statesman. Said he:

"And what do you say of the refusal to produce those papers? Take all the circumstances, sir. . . . We have got a telegram from New York, but we cannot get the papers in those Boston files. What inference does your Honor tell the jury may fairly be drawn against a man if he is an humble man who is in the possession of relevant evidence and refuses to produce it? Do you tell them that it is going to help him or that it is going to hurt him?

"Is there anything so exalted in the office of the Attorney General of the United States that the inference that you draw against any other men who hold back documentary evidence should not be drawn in this case? I am not talking about him personally, of course; I am talking about him in his official capacity. Personally, I have no doubt he is an admirable citizen. But there is some reason of strong policy why those papers are not produced here. What can that reason be? What can it be? Are you going to say because Sacco and Vanzetti are Italians, because they are poor folks, because they are aliens,

because they have no constitutional rights we will let Mr. Sargent hold back what might set them free?"

And then Thompson turned upon Katzmann's successor, Ranney, who had argued that the "secrets" of the Department of Justice were sacred and must be protected! Said Thompson:

"What are these secrets which they admit? They have then admitted secrets, have they? There are secrets, are there? I thought there were from the fact that it was not denied or contradicted. And I will say to your Honor that a government which has come to value its own secrets more than it does the lives of its citizens has become a tyranny, whether you call it a republic, a monarchy, or anything else. Secrets! Secrets! And he says you should abstain from touching this verdict of your jury because it is so sacred. Would they not have liked to know something about the secrets? The case is admitted by that inadvertent concession. There are then secrets to be admitted. . . .

"Mr. Ranney says that I have argued that all these Federal agents ought to be in jail. I was not so bold as to make that suggestion, if your Honor please. All I ventured to call your Honor's attention to was the fact that one of them already was in jail, namely, our friend, Shaughnessey, sentenced for twelve years for highway robbery, a man who was then investigating Sacco and Vanzetti, and going around with a badge of the United States on him as his authority so to do. I do not suggest what ought to be done to these agents. I do say, as a citizen, that it is a shame that Weiss, a man capable of making the suggestions that he made, and doing the things that he did in this case, should still be wearing the uniform of the United States and boldly operating around this town, and not even taking the trouble to come in here and deny these charges."

VIII

All that got under "Web" Thayer's skin most frightfully; you had only to watch his gray withered face and trembling hands while he listened. It made him so furious that he took only five weeks to write his decision—instead of the year he had been requiring hitherto! There were persons who believed

that the reason for the Sacco-Vanzetti conviction had been ill-mannered I.W.W. lawyers from the wild and woolly west; but here was a respectable lawyer, one of the leaders of the Boston bar; and here was "Web" raging at him, with elaborate and complicated sneers such as "Web" loved, and which exhibited his learning, not merely in the legal field, but in the medical. Said "Web":

"Since the trial before the jury of these cases, a new type of disease would seem to have developed. It might be called 'lego-psychic neurosis' or 'hysteria' which means: 'a belief in the existence of something which in fact and truth has no such existence.' . . . This disease would seem to have reached a very dangerous condition, from the argument of counsel, upon the present motion, when he charges Mr. Sargent, Attorney-General of the United States and his subordinates, and subordinates of Former-Attorney-General of the United States Mr. Palmer and Mr. Katzmann and the District Attorney of Norfolk County, with being in a conspiracy to send these two defendants to the electric chair, not because they are murderers but because they are radicals. . . . This would seem to be a very low estimate of the District Attorney and his assistants. The physician, ordinarily, in diagnosing a disease, seeks to ascertain the length of time the symptoms have existed, with a view of ascertaining how deep-seated the disease is and whether it is curable or not. In these cases, from all the developed symptoms, the Court is rather of the opinion that the disease is absolutely without cure."

But the most amazing thing in that amazing decision was what the learned judge had to say about the issue of "radicalism," and the part it had played in the trial. Defending himself, with his back to the wall, "Web" cited some dialogue which he said had passed between Katzmann and Sacco. But you searched in the transcript of the testimony for that passage, and couldn't find it. You would go back and search some more —you must have skipped a page, it must be there somewhere. You would get others to search—until finally it had become certain that "Web's" citation was invented! So much progress "Judge Fury" had made since the days of the Dedham trial, when his utmost daring had been to present Frank Sibley with a page from the transcript with a passage cut out. But now

he concocted passages, and inserted them in his decisions, in quotation marks, to be printed in the law-books, and handed down to the scorn and fury of all future times! Said Mr. Justice Thayer, in his rôle of fiction-writer:

"Mr. Sacco said that he feared punishment, that he was afraid of deportation, that he did not want to go back to Italy, that he had told all these falsehoods because of his fear. Mr. Katzmann, in his cross-examination, brought out all these facts and then he asked this question: 'Mr. Sacco, you say you feared deportation and that is why you told all these lies and why you did what you did?' and Mr. Sacco said 'Yes.' Then came the next question: 'Mr. Sacco, at the very time when you were telling these lies, you had already secured a passport for Italy on which you, your wife, and two children were to sail two days after the night of your arrest?' and the answer was 'Yes.' "—Not a word of that in the record!

IX

Incidents such as this furnished propaganda for the radical and labor press. No need of comment—they were their own comment. The story spread, in wider and wider circles. Pierre Leon, in Paris, would publish in his paper everything that was sent to him, and it would be taken up by socialist and communist agencies, and translated into a dozen languages, and made the subject of editorials and protest meetings all over the world.

The little group in Boston, laboring in obscurity and despair, had accomplished more than they knew. Their propaganda had influenced many thousands whose names they would never know. In part it was the natural drama of the case, the contrasts and thrills supplied by the Great Novelist; in part it was the personality of Vanzetti. Joe Randall had been right when he said, at that first meeting in Plymouth Jail: "The police have given us a good martyr." For five years Bart had been tried in the fire, and he had stood the test; it would be hard to say how any man could have stood it better. Outside, in times of excitement, he had been fanatical and violent; but now those faults were remedied by prison bars; now he was of necessity the student and thinker. He met persons of the

cultivated class, and learned that they, too, were concerned about "joostice." Without weakening in the cause of his beloved proletariat, he came to understand that goodness is not a matter of class, and that love can break down as many barriers as greed can set up.

He was gentle, he was wise, and he was dignified. The humiliations of prison life had failed to affect him; he had conquered his jailers. A few days after his arrest, Mike Stewart, bluff and burly, had patted him on the back and called him "Bertie"; but now the guards understood that he was a superior man, and before his death the life of the prison had come to revolve about him. He sat for many hours a day in his cell, writing letters; and the least of these bore the stamp of his personality. He had a style now—both in English and Italian. To a friend he wrote:

"I have been told that the Italian is one of the most beautiful of languages: to me it is: it is my mother's language: it is the angelic language to me. Yet all languages are beautiful when they voice the beautiful, the good and the true. Your words are harmonious and sweet to me as friendship's voice is —they are music, the vibration of life."

Always thinking of others; with that natural courtesy which springs from a kind heart. To a rancher's wife on the Pacific coast he wrote:

"By the solidarity of the workers, friends, and comrades I always have money to enable me to buy some food and fruits, cheese, etc., when the institution food does not agree with me. I am satisfied with what I have. Very often I think while eating of some starved human creatures and I feel a little ashamed though I have always done my part to assure a piece of bread to each mouth. So please do not be excessively troubled for me. Good sentiments and friendly words are most necessary to me—and you are very most prodigal."

So he said; but in truth he needed more than sentiments and words; he needed the bosom of that Mother Nature whom he loved with a passion both filial and romantic. When he heard that Cornelia was visiting Plymouth, he wrote to her: "Oh! that sea, that sky, those freed and full of life winds of Cape Cod! Maybe I will never see, never breathe, never be at one with them again!" He poured out the anguish of his

effort to know and to achieve—in spite of terrifying handicaps:

"Exactly talking, I am not busy in writing but in trying to write. For, the prison's spell is telling its story also on me, and how so! It seems to be increasing my understanding and diminishing my power of expression. In fact . . . it is . . . an experience all right! but an experience that undermines the life, straight to its sources and centers so that as long as consciousness and memory are not yet weaken, you can realized something . . . but, as to express oneself at one's best one has to be at one's best while after such experience one is not any longer at his best! he can not any longer express himself at the best of his power. These are the reasons why I am busy in trying to write and writting very little at all. Oftentimes I manouvired hard to write down what I wish; then, reaching it I perceive that it does not says what I mean and I torn the writting in many little pieces.

"The crux of this inner drama is not only about expression . . . it is that I doubt my own thoughts, my opinions, my feeling, my sentiments, believes and ideas. I am sure of nothing, I know nothing. When I think of a thing and try to understand it, I see that in the time in the space and in the matter that thing is, both before and after, related to so many other things that I, following its relations, both backward and forward, see it disappear in the ocean of the unknown and myself lost in it. It is easy to create a universal sistem, to human minds; that is why we are blessed by so many of universal sistems while no one know what a bed-buck is."

X

Cornelia would visit Charlestown and discuss these high metaphysical problems with Bart, and then she would go to tea-parties and dinners in the Back Bay, and tell her blue-blood friends about this philosophical fish-peddler, and now and then persuade one to call upon him. So gradually the class-lines were broken down in Boston, and strange things happened—things which could not have been duplicated anywhere else in the world. For example, the Madeiros reprieve, and the way it was engineered!

The Madeiros motion for a new trial, turned down by Thayer,

was in process of appeal to the Supreme Court. But meantime, the mills of the law were threatening to grind up the principal witness! Madeiros was scheduled to be executed for the Wrentham bank murder, and if he were to die, what would be left of the "Madeiros motion"? The Governor of the Commonwealth was asked to postpone the execution, and he refused to act. By what means could his hard heart be moved?

Cornelia went to call upon a certain venerable lady, one of the oldest inhabitants of Beacon Hill, tremendously looked up to, even though she took no part in politics or practical affairs. Hardly anything in her home less than a hundred years old—except the occupant, who was ninety-something, and regarded Cornelia Thornwell as one of the young matrons. A shrine of respectability, with a little wizened female deity in a faded black silk dress, to whom Cornelia told her troubles—the losing struggle she was waging with politicians and bankers and business men who thought they were protecting society and upholding order when they took a chance on killing innocent men. See what was happening to a fine, upright lawyer like William G. Thompson, who was being abused up and down for daring to defend two anarchists!

The old, old lady listened, and then said, "My dear, the trouble is, these persons don't know Boston history. Tell them what John Adams and the first Josiah Quincy did."

"What is that?"

"You don't know history either! When the British soldiers were indicted for murder after the Boston massacre, John Adams and Josiah Quincy defended them, to be sure they had a fair trial."

"Did that really happen?" exclaimed Cornelia.

"Yes, indeed, my dear, you can look it up in the books. If you want to make any headway in Boston, why don't you really find out about us?"

It happened that at this time a New York newspaper had sent its labor editor to study the Madeiros case. This man had come with the usual prejudices, but convinced himself against his will that Sacco and Vanzetti were innocent. He wanted to do something to help, and Cornelia told him of this colonial precedent. Seeing the chance, he took it to one of the most bitter reactionaries in Boston, a man whom Cornelia

herself would never have approached, for she knew that he had put up, out of his private purse, more than half a million dollars for the war upon the "Reds."

This powerful person, who had been demanding a quick death for Sacco and Vanzetti, was confronted with that sacred precedent, and felt himself rebuked. Had John Adams and the first Josiah Quincy really done such a thing? If it was true, he would do no less! He would write or call upon the Governor, and ask for a reprieve of the Madeiros sentence! He did so; and the result was, the reprieve was granted, and Sacco and Vanzetti got another six months in which to make their impression upon the world!

XI

Seven years had passed since the felt plants of Jerry Walker had been taken from him by Henry Cabot Winters and Rupert Alvin and the rest of the "Pilgrim National crowd." Two years had passed since the jury had brought in that tremendous verdict of ten and one-half million dollars in Mr. Walker's favor. In the course of seven years the new owners had made more than that amount of money out of the properties; but still Mr. Walker had not got a penny. The case had been appealed to the Supreme Judicial Court, and at last, in the fall of 1926, the seven old gentlemen in black silk robes were ready to hear the argument. A great event in the legal world of Boston: the highest priced lawyers in the city pitted against one another, for the highest stakes in history. You might be sure that none of the elderly judges would fall asleep this time! They listened day after day, while more than two thousand "exceptions" were explained and debated before them; the mere brief of the plaintiff filled three printed volumes.

The wrangling over, the seven judges took their seven heads full of arguments, and the printed briefs and the huge "bill of exceptions," to meditate and discuss among themselves. Three or four months they would need to make up their minds; but—a dreadful circumstance, almost blasphemy to mention —Rupert and Henry thought that they foresaw the outcome! In strictest secrecy the word went the rounds of the family; no need to worry, everything was going to be all right!

And so it proved. On the ninth of March, 1927, the black-clad justices spoke the final word on the Jerry Walker case: declaring that the verdict of the jury had been an error, and that the trial judge should have directed a verdict for the banker-bandits. From this time forth all banker-bandits who desired to put pistols to the heads of businessmen need only have to take the precaution to make the businessmen sign a paper forgiving them for the action.

An amazing decision for a court which was forbidden to deal with the facts, and claimed that it never did so! The release which Jerry Walker had been induced to sign, at the time that he had parted with his properties, had been an obvious part of the conspiracy; he had signed it in ignorance of what had been done to him, and one consideration of the release had been his parting with more of his property. So the jury had decided; but now the august justices stepped in and declared that this was not so; the conspiracy had been over before the release was signed, and "no fraud or duress entered into the execution of the release." In order to say this, they had to do exactly what "Web" Thayer had done so many times in the Sacco-Vanzetti case; that is, to shut their eyes to a mass of testimony which stood in the record. When it came to sparing the rich or condemning the poor, all judges appeared to be alike.

A great relief to the masters of the Boston banking-ring. No longer need they fear having to part with most of their wealth acquired during the last few years! They patted the old boys of the court on the back at lunch-time in the Union Club, and told them that they were true friends of sound and conservative business. All right to talk about the case now; neither would there be any harm if you offered to take a son or a favorite nephew into the bank at a generous salary. In time of peace prepare for war!

Jerry Walker's legal bull-dog was raising a howl, and talking about appealing to the United States Supreme Court; but that was all rubbish, said Henry Cabot Winters—the Federal courts would never take jurisdiction. He went about among his friends and took his share of the back-patting. The great bankers and lawyers who had made faces at him now began to make smiles. Since they were to keep the money, they would

manage to forgive him for having forced it upon them.

John Quincy Thornwell was in Paris at the time of the decision, and Henry sent him a cablegram which was the talk of Boston clubs and drawing-rooms for many a day thereafter. "Tout est suavé sauf l'honneur," said Henry. Since the World War all Boston blue-bloods know French—or they have secretaries who help them pretend to. The humorless president of the Fifth National Bank of Boston would find somebody to translate and explain those shining words: "All is saved but honor!" Goethe made the remark that every bon mot of his had cost a purse of gold; but Mr. Jerry Walker operated upon the modern scale, with splendor suited to the masters of mechanized production; he had paid ten and one-half million dollars for that bon mot of the Back Bay!

XII

Property was safe, so now there was time to think about life. The seven black-robed old gentlemen got to work on the Madeiros motion in the Sacco-Vanzetti case—the last chance for a new trial. They had been stung by world-wide criticism of the law's delay, and wanted to get the matter over, so that Massachusetts might have peace again. The motion had been argued in February, and on April 5th came the unbelievable opinion: Judge Thayer's decision, like all his other decisions in the case, had been "in his own discretion," and it was to stand! All lawyers commented upon the amazing contrast with the Jerry Walker decision, less than one month earlier. When it was a question of safeguarding the lives of workingmen, the Supreme Judicial Court held itself powerless to deal with the facts, and could only pass on the judge's interpretation of law. "Finding no error, the verdicts are to stand." But when it was a question of protecting the property of bankers, the court had not hesitated to set aside the verdict, and to declare that the jury had been unjustified in drawing the conclusions it had seen fit to draw.

The decision was written by Justice Wait, who had begun his public career as an alderman of the city of Boston—an occupation which leaves a man in no ignorance as to the relationship between business and politics, and the power of big

money in American affairs. Immediately after the decision was made public, his home was put under guard, and the homes of all the other judges, district attorney and officials. Judge Thayer's home had been guarded for the past nine months, and a husky detective followed him everywhere he went.

It was "Web's" hour of triumph, and he made the most of it. His cries of exultation echoed through the dining-rooms of Worcester and Boston clubs. He would button-hole acquaintances on the golf-links, and boast of his perfect knowledge of legal precedents. "I told them they couldn't put it over on me! I wasn't going to be intimidated by anybody or anything! I told those damned fools they couldn't hoodwink me! I represent the integrity of the courts of Massachusetts, and I shall see that the integrity is maintained! I taught a lesson to that long-haired arnychist from California! Yes, and I'll teach a lesson to the people who are raising money and slandering the courts of this Commonwealth!"

A prominent member of the Worcester Country Club came out to his car and told his family and friends how he had just been one of a group of men to whom "Web" had been holding forth, referring to Sacco and Vanzetti as "those bastards down there," as "Bolsheviki," and saying that he would "get them good and proper"; that he would "show them and get those guys hanged. No Bolsheviki can intimidate Web Thayer!" In one of the clubs of Boston a horrified whisper went the rounds—a United States senator had said to the steward in the dining-room: "If you let Judge Thayer come to my table again, I'll have you fired." The "blue-bloods" shook their heads and said it was a consequence of the low type of men who were being appointed to the bench. But even so, the courts must be upheld!

"Web" and the district attorney, who knew all tricks of the law, were quick as a tiger in their next spring. No other appeals were on file; and if "Web" sentenced the men, he would clinch the case. After sentence had been passed, no other judge of the Superior Court could take jurisdiction, and "Web" would be the undisputed master. On April 9th, four days after the Supreme Court's decision, he had the two "Bolsheviki" brought to Dedham court-house, with the round white dome and portholes like an ocean liner, and had them locked

safe in their cage—the same from which they had gazed at him six years ago through a period of seven weeks. With rustling black robes he emerged from his chamber, and took his seat upon his throne: a frail old man, more withered than ever; badly scared, yet clinging desperately to his dignity in this great hour of triumph. Lawyers and spectators looking up to him, a score or two of armed men protecting him—inside the court-room with automatic revolvers on their hips, outside on the steps with rifles in hand. "I represent the integrity of the courts of Massachusetts!"

XIII

"Nicola Sacco, stand up," said the clerk of the court; and Nick rose, pale and haggard, dressed in his best black go-to-court suit.

"Nicola Sacco, have you anything to say why sentence of death should not be passed upon you?"

Poor Nick, he knew many reasons, which he wanted to shout to all the world. But his friends had advised him that he could produce no impression in a Yankee court-room, because of his blundering English. He had made up his mind to let Bart speak for him; but standing before that gray old man who had tortured him for six years; seeing the row of newspaper men, with eager pencils poised, ready to flash his words to the farthest ends of the earth—such a temptation was too much for a propagandist soul. Nineteen years Nicola Sacco had been in America, driven, humiliated, repressed; and here for the second time in his life America was ready to listen. He spoke; and the court reporter and the newspaper men kindly straightened out his dialect, and the world read:

"Yes, sir. I am not an orator. It is not very familiar with me the English language, and as I know, as my friend has told me, my comrade Vanzetti will speak more long, so I thought to give him the chance.

"I never knew, never heard, even read in history anything so cruel as this Court. After seven years' prosecuting they still consider us guilty. And these gentle people here are arrayed with us in this Court to-day.

"I know the sentence will be between two classes, the op-

pressed class and the rich class, and there will be always collision between one and the other. We fraternize the people with the books, with the literature. You persecute the people, tyrannize them and kill them. We try the education of people always. You try to put a path between us and some other nationality that hates each other. That is why I am here to-day on this bench, for having been of the oppressed class. Well, you are the oppressor.

"You know it, Judge Thayer—you know all my life, you know why I have been here, and after seven years that you have been persecuting me and my poor wife, and you still to-day sentence us to death. I would like to tell all my life, but what is the use?"

It was no use whatever, and so Nicola Sacco sat down.

XIV

"Bartolomeo Vanzetti, stand up," said the clerk of the court; and the other figure in the cage stood up: thin, worn, and partly bald, but with the droopy mustache as big as ever; a large, loose figure in a neat black suit with a little black silk tie.

"Bartolomeo Vanzetti, have you anything to say why sentence of death should not be passed upon you?"

"Yes," said Bart, quietly.

And now he would reap the reward of those years of hard work in his lonely cell; of his practice writing letters, and treatises on syndicalism, and an autobiography, and a novel, and a translation of Proudhon, and even a poem about a nightingale! Bart would be able to find words; with hesitation now and then, but not too much; with mispronunciation enough to be picturesque, but not enough to be offensive. Quietly, firmly, he spoke, as one who has meditated long upon his ideas; as one who was addressing posterity, rather than the casual few in a court-room. Posterity, hear him!

"What I say is that I am innocent, not only of the Braintree crime, but also of the Bridgewater crime. That I am not only innocent of these two crimes, but in all my life I have never stolen and I have never killed and I have never spilled blood. That is what I want to say. And it is not all. Not only

am I innocent of these two crimes, not only in all my life I have never stolen, never killed, never spilled blood, but I have struggled all my life, since I began to reason, to eliminate crime from the earth.

"Everybody that knows these two arms knows very well that I did not need to go into the streets and kill a man or try to take money. I can live by my two hands and live well. But besides that, I can live even without work with my hands for other people. I have had plenty of chance to live independently and to live what the world conceives to be a higher life than to gain our bread with the sweat of our brow.

"My father in Italy is in a good condition. I could have come back in Italy and he would have welcomed me every time with open arms. Even if I come back there with not a cent in my pocket, my father could have give me a position, not to work but to make business, or to oversee upon the land that he owns. . . . But I have refused myself of what are considered the commodity and glories of life, the prides of a life of a good position, because in my consideration it is not right to exploit man. I have refused to go in business because I understand that business is a speculation on profit upon certain people that must depend upon the business man, and I do not consider that that is right and therefore I refuse to do that.

"Now, I should say that I am not only innocent of all these things, not only have I never committed a real crime in my life—though some sins but not crimes—not only have I struggled all my life to eliminate crimes, the crimes that the official law and the moral law condemns, but also the crime that the moral law and the official law sanction and sanctify,—the exploitation and the oppression of the man by the man, and if there is a reason why I am here as a guilty man, if there is a reason why you in a few minutes can doom me, it is this reason and none else. . . .

"We have proved that there could not have been another judge on the face of the earth more prejudiced, more cruel and more hostile than you have been against us. We have proven that. Still they refuse the new trial. We know, and you know in your heart, that you have been against us from the very beginning, before you see us. Before you see us you

already know that we were radicals, that we were underdogs, that we were the enemy of the institutions that you can believe in good faith in their goodness—I don't want to discuss that —and that it was easy at the time of the first trial to get a verdict of guilty.

"We know that you have spoken yourself, and have spoke your hostility against us, and your despisement against us with friends of yours on the train, at the University Club of Boston, at the Golf club of Worcester. I am sure that if the people who know all what you say against us have the civil courage to take the stand, maybe Your Honor—I am sorry to say this because you are an old man, and I have an old father —but maybe you would be beside us in good justice at this time. . . .

"We believe more now than ever that war is wrong, and we are against war more now than ever, and I am glad to be on the doomed scaffold if I can say to mankind, 'Look out; you are in a catacomb of the flower of mankind. For what? All that they say to you, all that they have promised to you —it was a lie, it was an illusion, it was a cheat, it was a fraud, it was a crime. They promised you liberty. Where is liberty? They promised you prosperity. Where is prosperity? They have promised you elevation. Where is the elevation?'

"From the day that I went in Charlestown, the misfortunate, the population of Charlestown, has doubled in number. Where is the moral good that the war has given to the world? Where is the spiritual progress that we have achieved from the war? Where are the security of life, the security of the things that we possess for our necessity? Where is the respect for human life? Where are the respect and the admiration for the good characteristics and the good of the human nature? Never before the war as now have there been so many crimes, so much corruption, so much degeneration as there is now.

"This is what I say: I would not wish to a dog or to a snake, to the most low and misfortunate creature of the earth —I would not wish to any of them what I have had to suffer for things that I am not guilty of. I am suffering because I am a radical and indeed I am a radical; I have suffered because I was an Italian, and indeed I am an Italian; I have suffered

more for my family and for my beloved than for myself; but I am so convinced to be right that you can only kill me once but if you could execute me two times, and if I could be reborn two other times, I would live again to do what I have done already.

"I have finished. Thank you."

XV

It was "Web" Thayer's turn. He, too, rose to speak. As it turned out, he rose to apologize; to plead that it was not his fault. A singular fact, which Vanzetti had noted about the legal machinery of the august Commonwealth—he had commented upon it to Cornelia—that everybody put the responsibility on somebody else! The arresting policemen had said it was not their fault, they had been obeying the orders of their superiors. The jailers one and all said the same thing. The chief officer of the jail had said that the higher powers would not permit this and that. Members of the jury had said that they had had to follow the instructions of the learned judge. And now here was the learned judge—at the very crisis of events—putting the blame upon the jury! The Supreme Judicial Court had said that the trial judge had had the final say as to the facts. And now here was the trial judge putting the responsibility upon the Supreme Judicial Court!

Could it be that even "Web," the insensitive, had been awed by the majesty of Vanzetti's words? Could it be that "Web," the vainglorious, was assailed by a doubt about himself? Be that as it may, the braggart was gone from his manner, and his voice was no longer a thin strip of steel, but trembling and mumbling. He said:

"Under the law of Massachusetts, the jury says whether a defendant is guilty or innocent. The Court has absolutely nothing to do with that question. The law of Massachusetts provides that a judge cannot deal in any way with the facts. As far as he can go under our law is to state the evidence.

"During the trial many exceptions were taken. Those exceptions were taken to the Supreme Judicial Court. That Court, after examining the entire record, after examining all the exceptions—that Court in its final words said, 'The verdicts of

the jury should stand; exceptions overruled.' That being true there is only one thing that this Court can do. It is not a matter of discretion. It is a matter of statutory requirement, and that being true there is only one duty that now devolves upon this Court, and that is to pronounce the sentence.

"It is considered and ordered by the Court that you, Nicola Sacco, suffer the punishment of death by the passage of a current of electricity through your body within the week beginning on Sunday, the tenth day of July, in the Year of our Lord One Thousand Nine Hundred and Twenty-seven. This is the sentence of the law.

"It is considered and ordered by the Court that you, Bartolomeo Vanzetti . . ."

Here Vanzetti broke in: "Wait a minute, please, Your Honor. May I speak a minute with my lawyer, Mr. Thompson?"

Said Thompson: "I do not know what he has to say."

Said Judge Thayer: "I think I should pronounce the sentence . . . Bartolomeo Vanzetti, suffer the punishment of death . . ."

But here came Nick, with one of his wild cries: "You know I am innocent. Those are the same words I pronounced six years ago. You condemn two innocent men."

But the mumbling voice went on, in the solemn legal formula: ". . . by the passage of a current of electricity through your body within the week beginning on Sunday, the tenth day of July, in the year of our Lord, One Thousand Nine Hundred and Twenty-seven. This is the sentence of the law." It was customary for the judge to add, "And may God have mercy on your souls." But for some reason Judge Thayer omitted this part of the formula.

CHAPTER XVIII

THE SUPERSALESMAN

I

Cornelia Thornwell would wake up in the middle of the night, trembling, in a cold sweat. They were going to murder Bart and Nick! Impossible to fool herself any longer; they did actually intend to do it!

For hours she would lie, evolving plans; going over in her mind the names of persons she knew who might be capable of a concern for either justice or mercy. She would turn on the light by her bedside and make notes of things to be done during the day. Betty and Joe, who now lived in the next apartment, would come in at daylight and find her writing letters. Impossible to rest!

There being no more hope from the courts, the energies of the defense were turned to the Governor of the Commonwealth, who had the power to pardon, or to commute the sentences to life-imprisonment. Legally, his power was subject to the consent of his "council," a sort of state cabinet; but then, he had power over this "council," being what was known as a "strong" man, accustomed to having his own way.

Alvan Tufts Fuller was his name, and he had begun life as a trick bicycle-rider and racer. He went into the bicycle-repair business, and prospered, and when the bicycle gave way to the automobile, he stayed on the top of the wave, and obtained the agency for the Packard car in New England, and also in Pennsylvania, and of the Cadillac car in New England. Upon every machine sold in these territories he received twenty per cent of the purchase price. Since the Packard limousine was a five thousand dollar car, it amounted to a great sum, in the neighborhood of two million dollars a year. "Allie" Fuller, trick bicycle-rider, was now the richest man in New England; authorities differed as to whether his fortune

was twenty millions or forty, but as a rule they guessed the higher sum.

He had begun his political career as a "Roosevelt Progressive," but that thin veneer had worn off quickly. He had been elected to Congress for two terms, but had been too busy to attend the sessions—except when it was necessary to make a speech denouncing the "Reds." He had served four years as lieutenant-governor, and had earned the enmity of the Thornwell clan by insisting upon an exposure of Rupert Alvin's purchase of the legislature in connection with the Elevated Railway bill. Fuller played the rôle of an "independent" in politics, stern and incorruptible; he made a grand gesture of refusing to take his salary—thereby obtaining advertisement worth many times the amount. He wanted the legislators and officials to have the same scorn for small sums of money; if they had possessed an income of two millions a year, they would doubtless have obliged him. As it was, they took their salaries of fifteen hundred dollars, and eked them out by means of tips from the lobbyists who swarmed to the State House, or the hotel-rooms nearby.

The system of universal graft which is American government was going on, and Fuller knew that it was going on. Once in a while some "reformer" or "crank" or "sore-head" would force an exposure, whereupon the lieutenant-governor would leap up and make a fuss in the papers, and the public would know that they had an honest public servant. The statements he made got him into trouble; the Speaker of the House sued him for slander and won a verdict—only to have it upset by the Supreme Court. But Fuller got the advertising and on the basis of it became Chief Executive of the Commonwealth—the great master of millions condescending to play the game of democratic politics. The procedure consisted of going about shaking hands with grimy workingmen who thought he was still the bicycle repairer of thirty years ago. Hale and hearty, full of animal magnetism, with a rough exterior and a "golden heart," he kept the admiration of the "plain people." To the starving strikers of Fall River he began a campaign speech, "I am not a politician"—and they believed him. "I am no orator," he would say—and doubtless meant

it, not knowing that this was a device explained in every treatise on oratory.

A typical specimen of the "strong man" in American affairs; a competent executive, a driver of other men, but utterly devoid of ideas, and incapable of thinking except in current tags. He had known all his life what he wanted, and had gone after it and got it. To a salesman of Packard automobiles, the human race is sharply divided into two parts: those who have the money to buy Packard automobiles, and those who have not. To the former, "Allie" Fuller would come forward smiling and voluble, his mentality concentrated upon flattery and "service." To that far greater number whose costume and manners make clear that they have not the price of a Packard car and never will have it, the attitude is one of indifference, except just prior to election day.

This supersalesman of automobiles was as cold as marble; utterly selfish, and lacking not merely in the finer feelings, but even in the common every-day kindness, of which politicians often have too much. No friend, no matter how intimate, ever got a discount on a car. In politics he granted no quarter; he gave the punishment and took none. In business he was the modern slave-driver with a fountain-pen instead of a whip. When, after the war, the workers in his repair and body-factory came to him, pleading humbly that on account of the increase in the cost of living they could not get along on a wage of twenty-five dollars a week, he gave them a brutal refusal. There was a strike, which was embarrassing to an ambitious politician in later years. But no diminution of that two million dollar a year income!

Such is the way by which "strong" men build up fortunes; and then they sit on the heap, regarding with instant instinctive hostility any one who suggests that there is any other ideal in life, or any other duty. And now such a man was called upon to decide the issue of life or death for Nicola Sacco, who had stood up in court and said: "I know the sentence will be between two classes, the oppressed class and the rich class, and there will be always collision between one and the other." He was to decide the issue of life or death for Bartolomeo Vanzetti, who had stood up in the same court and said: "I have refused myself of what are considered the commodity and

glories of life, the prides of a life of a good position, because in my consideration it is not right to exploit man."

II

The Madeiros confession, the Letherman and Weyand confessions, Judge Thayer's decision, with its tone of raving—all these had brought a new element into the Sacco-Vanzetti case. So-called "decent" people—that is, people who had money, but nevertheless believed in fair play—were shocked by a too-obvious demonstration of class justice. One by one the few daily newspapers in America which profess a trace of liberalism were persuaded to investigate the case, and one by one they took up the campaign for a new trial.

The Springfield *Republican,* the only liberal daily in New England, pleaded the cause. The Boston *Herald* published an editorial, which won the Pulitzer prize for the best newspaper editorial of 1926. "As months have merged into years, and the great debate over the case has continued, our doubts have solidified slowly into convictions, and reluctantly we have found ourselves compelled to reverse our original judgment." That gave a terrible shock to Boston conservatism; for substantial persons who didn't read the *Globe* in the morning read the *Herald,* and such an editorial interfered with the digestion of cod-fish balls. A friend of Governor Fuller's met him on his way to the State House that morning and said, "Have you seen that the *Herald* has come out for a new trial for those wops?" Said His Excellency, "What? Has the *Herald* fallen for that bunk?"

Now had come the death sentence; and all those energies of protest which had been centered upon the courts were turned upon the Chief Executive. "Write to Governor Fuller! Wire to Governor Fuller!" said the bulletins and appeals of the defense committee. The State House was inundated by a flood of mail. It came, literally by the bushel-basket full, several times every day. The best brains of the world, the finest and most sensitive spirits, laid aside their work and composed appeals, of a sort which they imagined might stir the conscience and influence the judgment of the chief executive of a great Commonwealth. They spent money upon telegrams and

cablegrams, they wrote letters for which a collector of autographs would have paid large sums of money; and what became of the product of their efforts?

The defense committee received a letter addressed to the Governor, signed by a dozen or more labor members of the British Parliament, asking him to do what he could to bring about a new trial. Gardner Jackson, Amherst graduate and a presentable person, was selected to deliver the document, and he took the precaution to take along the State House reporter for the Boston *Globe,* to introduce him.

His Excellency was not in, and they met his efficient private secretary. To him Jackson handed the letter from the members of Parliament, and the secretary took one glance at it, and burst out: "Oh, those God-damn crooks! Do you think we pay any attention to this stuff? It comes in here by the barrelful and we immediately chuck it into the fire." Then he turned upon the reporter, demanding, "What do you mean by bringing this fellow up here on a matter like this? First thing you know, those God-damn wops will be getting out and coming to live near you in Brookline. How would you like that?" It was a witticism, and the secretary laughed loudly, and threw the letter back at Gardner Jackson.

Such was the agent through whose hands would pass everything which came to the Governor on the case. When documents of great urgency were entrusted to him, and it was discovered several days later that the Governor had never seen nor heard of them, the defense committee would be infuriated, and would blame the secretary for failure of their hopes. But Joe Randall would laugh—he was furnishing labor papers with news on the case, and was up at the State House at all hours of the day and night, meeting the other reporters and hearing the gossip. "Don't fool yourself, Nonna!" said he—cynical young "Red." "The secretary forgets what Fuller doesn't want to have remembered. He is paid two salaries to serve as the goat, and have us blame him instead of his boss!"

Alas for blue-blood ladies, who left the refinements of an exclusive home, and mixed themselves in the public affairs of capitalist society! Cornelia Thornwell was now seventy-two years of age, and her hair was snow-white, and her step no longer firm—she had to be helped upstairs now and then.

And here she was, forced to measure her wits against a supersalesman of automobiles and his entourage. Startling were the tales which Joe Randall brought home about the goings on of the "State House gang." Down underneath the beautiful golden dome there was a cellar, stocked with liquors confiscated by the state police; and the heads of this "gang" were presenting the stuff or selling it to all and sundry, including the state legislators. Still more dreadful, to the mind of an old-fashioned lady, some of this crowd were using the state police boat, the *Lotus,* for what the newspaper slang termed "orgies"—drunken parties with women. All the reporters knew about it —but the friends of Sacco and Vanzetti had to wait until nine months after the wops were in their graves, before a disgruntled employee at the State House spilled the Boston beans to some prying clergymen, and an investigation was forced.

III

Cornelia Thornwell belonged to the little group of those who have a right to know. Therefore she went to her son-in-law, Henry Cabot Winters, and asked him to find out for her the Chief Executive's real attitude toward the Sacco-Vanzetti case, and what he intended to do. It was only a month after the Jerry Walker victory, and Henry was his old genial self again, pleased to have a call from his Bolshevik mother-in-law. He reported his relations with the Governor to be fairly good; he had not joined with Rupert in his row—the canny Rupert had warned him not to, for in the game of politics you can never tell at what hour your deadly enemy may become your best friend.

The great lawyer would go up to the State House, and not merely find out, but put in a word for some form of executive clemency, as a matter of political tactics. So much Cornelia had been able to accomplish by twelve years of radical propaganda in her family! She was deeply grateful, and went home and prepared a fine dinner for her son-in-law, with ribs of spring lamb, and new potatoes and green peas, and strawberries from Georgia.

But alas, the news which Henry brought completely spoiled the dinner for them both! Cornelia hardly ate a mouthful, and

Henry made a poor pretense. "I'm sorry, Mother," he said, "but you've got to steel yourself to the worst. There is no chance of saving your two boys."

Cornelia went white, and her soft brown eyes were wide with horror. "Henry, why?"

"Well, the police have got to Fuller, and he's heard all the worst about your anarchists. I don't think there's any power in the world that can change his opinion."

"What has he heard, Henry?"

"All the things I've told you before: that they were dynamiters, and were hiding dynamite on the night of their arrest."

"But, Henry, they weren't even accused of that!"

"I know—not publicly; but it's the real reason they were prosecuted, and the reason they were convicted, and Fuller has got it fixed in his mind. 'Bad actors,' he calls them."

"Then he's going to execute men for one crime, because he's heard rumors they committed another!"

"As a matter of fact, Mother, he is equally convinced they were bandits, too. He's been told that the money went to Italy, to make a revolution there. They've even told him rumors about having found maps in Lee Swenson's trash-basket, showing where the treasure was buried."

"My God, Henry! That was a joke!"

"I know, so you told me—but it was a poor time for joking. The police are using everything they have. It seems there's a woman in Milton who told Mike Stewart that Vanzetti made the bomb that blew up Judge Hayden's house."

"Henry, that is the talk of lunatics!"

"No, Mother, it's the talk of the police, and the Governor regards himself as the head of the force, and he stands by it. They have told him that two of the crowd blew themselves up with a bomb they were making in Bellingham—the Galleani formulas didn't work right."

"You keep talking about bombs, Henry."

"I'm telling you what was told me. Fuller says that both your boys were regular terrorists, and had a criminal record. He insists that Vanzetti was a convicted bandit before he came to trial at Dedham. He has got it into his head that Vanzetti was arrested, indicted, tried and convicted of the Bridgewater crime, and then arrested, indicted, tried and convicted of the

South Braintree crime. It didn't happen that way, did it?"

"Of course not, Henry! They arrested them for both crimes. They decided to convict Bart for Bridgewater, as a means of making things look blacker for Nick."

"Well, that's what I thought, and I tried to get it across to Fuller, but he didn't take kindly to it. He doesn't like to have his mind changed."

"Henry, you appall me! You mean he is actually as ignorant of the case as that?"

"I don't know so much about the case myself, Mother, but I was able to note half a dozen mistakes he made; and you're going to have a hard time changing him, because stubbornness is his leading quality. He makes a virtue of it, because he can't think, and knows it, and resents having to try. That's what you're up against, and you might as well know it at the outset—no use fooling yourself. Go and see him, and make sure, if you want to."

"Will he see me?"

"He says he'll see everybody—that's going to be his grandstand play. You understand, he's a politician, and has to play the game. He will pretend to be open-minded—but I'm telling you what's in the back of his head, and what will be his final decision."

IV

Cornelia discussed the soul of this Governor, and a possible way to move it. No use in public propaganda, mass-meetings and petitions; he regarded them with contempt. Could he be reached by social pressure, the snobbery of the automobile dealer, who sold high-priced cars to high-priced customers? Henry answered that Fuller himself didn't appear to care for the social game; but doubtless his family would be glad to be received. The only sign of an interest in culture on Fuller's part was that he went abroad and purchased paintings. He didn't really know about painting, and would not have dared to buy the work of Americans, for fear of playing the fool. But "old masters" were standard, as safe as corner real estate on Tremont Street; so he would pay a quarter of a million dollars for a Van Dyke, and put it in his drawing-room, and

that would make a great stir in the papers. But it hadn't had any effect socially, as Cornelia knew; to the inner circle of Boston exclusiveness, Fuller was His Excellency during office hours, but at tea-time and in the evening he was a dealer in motor-cars.

"Too bad that Alice is so spiritualized," said Henry. "She might give them a dinner." Alice, he added, was now receiving the ministrations of a Yogi "master," being subjected to the most esoteric rite of healing, which consisted of blowing into her ear.

Cornelia got out her address-book, which had secret marks, indicating degrees of responsiveness to subversive propaganda. She and her son-in-law compiled a list, and laid out a program upon which blue-bloods should be asked to concentrate—to persuade the Governor to appoint some sort of commission to investigate the case, and give it an informal new trial. If, as Henry believed, the supersalesman himself was hopeless, the strategy was to get him committed to an arrangement whereby the final decision would rest with more open-minded persons.

The little old lady had an inspiration: instead of appealing directly to the Governor, they would concentrate their energies upon Bishop Lawrence of the Episcopal Church, blood-brother to all blue-bloods, and official delegate of the Prince of Peace on earth. Persuade the Bishop to appeal to the Governor for an impartial commission! To make a thorough job of it, why not determine the commission in advance, and make certain of getting competent and high-minded persons? Why not? agreed Henry; so they proceeded to discuss names. Cornelia worked herself up to a pitch of excitement. "Couldn't we ask him to appoint Mr. Lowell?" She meant President Lowell of Harvard University. The blue-blood ladies, while paying full homage to this great personality, do not grant him his title, as in the case of the Bishop; by this means they indicate the fact that the intellectual life, while important, is a merely human affair, while the spiritual life is from God.

"He wouldn't take the responsibility," said Henry, "but of course it would settle the matter if he did. Fuller wouldn't dare go against Lowell and the Bishop."

So it came about that at the office of Mr. John F. Moors, of the firm of Moors and Cabot, investment bankers, there

assembled one afternoon a group of socially and intellectually significant persons: half a dozen Harvard professors, and the wives of several others; Episcopal clergymen of Boston and Concord; and such persons as Mrs. Thornwell, Mrs. Evans and Mrs. Winslow, with Mary Donovan and Gardner Jackson to represent the committee. They met for the purpose of working out a method of approaching the Bishop of the Blue-bloods, and asking him to bring it about that the University-president of the Blue-bloods should be invited to conduct a blue-blood trial of Sacco and Vanzetti, and thus save the good name of the Commonwealth of Massachusetts before the civilized world.

A curious gathering: soft-voiced, gentle, noble-minded, but not entirely efficient persons, meeting in dead secrecy, with their fingers upon their lips, in this melodramatic neighborhood of State Street; a group of kindly conspirators, babes in the woods surrounded by ravenous wolves—in the form of newspaper reporters who would gobble up their respectability with half a dozen snaps of their slavering jaws. So careful they must be, to make exactly the right approach to the ineffable Bishop; putting on felt-slippers and walking on tiptoes! Not saying anything extreme to him! Not declaring that the men were innocent, but merely that they had not been proved guilty to impartial minds! Sparks began to fly from the eyes of Mary Donovan, Irish ex-Catholic Joan of Arc of the labor movement. A curious contrast between self-contained and decorous ladies of the Back Bay, and this fiery Celtic girl, plain of garb, severe of countenance, making no secret of her bitter scorn for liberals and their ritual.

Silence! Secrecy! Hush, not a word! Even the widow of Governor Thornwell had lost caste, because she had had her name in the newspapers! No one who had been in the newspapers must approach the Bishop, nor even be named to the Bishop—for fear the timid episcopal soul might seek refuge in the recesses of the episcopal hole and refuse to emerge. The members of the Sacco-Vanzetti committee were "untouchables," and merely to have it known that they desired a certain procedure would be sufficient to render it episcopally impossible. All were warned to silence, the meeting dispersed—and in an hour or two the newspapermen had the whole story on the

front page, each after its own fashion. The Hearst man explained the social stratifications, referring to the Sacco-Vanzetti committee as the "low minds," the Moors group as the "middle minds," and the Bishop Lawrence group as the "high minds"!

V

Mr. Thompson had presented an appeal for clemency from Vanzetti, and an explanation that Sacco refused to make any appeal, but ought to have it granted just the same. It was, perhaps, the most singular document ever submitted to an automobile salesman in the history of the industry. Bartolomeo Vanzetti had insisted upon writing it himself, with only verbal revision by his lawyer. He took it as an occasion to explain his doctrines and beliefs to the world:

"Our ideas are not new. In one form or another they have influenced human thought in the western world, and therefore history, for at least two thousand years. Among their modern champions are men such as William Godwin, Shelley, Carlo Pisacane, Proudhon, Reclus, Kropotkin, Bakunin, Tolstoi (in a sense), Flammarion, Malatesta, Galleani, and in your country Tucker, and other great intellects and hearts. The great philosopher Ernest Renan said that Christ was a 'political anarchist.'"

And this to a pious Baptist, who told the newspaper reporters that his real preference in life would be to run a Baptist Sunday-school! A Mason, an Elk, an Odd Fellow and a Knight of Pythias—his idea of literature the *Saturday Evening Post!* Said Vanzetti:

"Our counsel has warned us that what we have to say may deepen the prejudice against us; but we are foremostly concerned to save what no human power except ourselves can deprive us of, our faith and our dignity, since we have already been deprived of almost all of what men can deprive men."

The Governor announced that he would consider evidence from both sides; and so it was a question of repeating all over again the Dedham, and later the Plymouth trial. But under what singular circumstances! Mr. Thompson, the lawyer for the petitioners, was not allowed to make any opening state-

ment, to say what he expected to prove; he was allowed to bring his own witnesses, but not to hear the witnesses of the other side, nor even to know who they were. Sacco and Vanzetti lay in their cells, and men came to the Governor's private office and whispered rumors about them, and their attorney learned about it from gossip in the newspapers! Betty Alvin came home from her brief session in the executive chambers and revised the "Alice in Wonderland" verses to fit this new situation:

I'll be judge, I'll be jury,
Said *stupid* old Fury;
I'll try the whole cause and condemn you to death!

Quite literally, this supersalesman of automobiles was judge, jury, and prosecuting attorney; and so ignorant of psychology that he really thought he could fill all three rôles; so ignorant of law that he really thought it was a trial he was conducting, and would be accepted as such by the world. Or rather, if you could believe the sarcastic young lady Bolshevik, he thought that he was so rich and great that he didn't give a damn what the world thought. In that point of view he had the support of the whole prosperous mob, which gloried in defying the opinion of mankind.

The State House swarmed with reporters. Every Boston paper had several men on the story, and the press associations and New York papers had their own representatives. But those who saw the Governor were cautioned not to talk, and all but the friends of the defense obeyed. The only news was what the Governor's office gave out every day, and mostly it was disguised propaganda. The private secretary had not been quite accurate when he said that they "immediately" chucked the mail into the fire. They first went over it, and extracted letters which were violent in demanding death for the two wops, and these were mimeographed and handed to the newspapermen. So the world read the weighty sentiments of Mrs. J. E. Damon of Brockton, who attached a small American flag to her letter, to make sure it would not be overlooked:

"I feel very sure that you will stand firm for 'law and order.' . . . Foreign people will not respect our Government unless

we uphold our Judges and Supreme Court. What is this country coming to if radical elements are allowed to do as they see fit?"

Also the sentiments of a representative of Comrade Jesus, the "political anarchist": the Reverend Floyd W. Johnson of the First Presbyterian Church of Central City, Nebraska, who appealed to the Governor of Massachusetts to "let these propagandists of un-American policies know that there is not enough money in Russia to buy even one district court in America." A curious item for members of the defense committee, who at that late hour were being visited by the relative of an important judicial personage, and informed that it would still be possible to work out an "arrangement"! By the payment of only fifty thousand dollars—from Russia or any other place—everything could be settled amicably. Vanzetti—since he was admitted to be innocent—would be pardoned; while Sacco—who might possibly be guilty—would be judged insane, and held until the excitement had died down!

VI

It was a war going on for the possession of public opinion; a day and night campaign, with forays and sallies, rumors and alarms, plots and counter-plots. The big guns thundered from the rear, and independent sharp-shooters crept forth to do sniping. "Hundred percent American" and "Pro Bono Publico" wrote letters to the *Transcript,* and the defense committee changed its "Bulletin" from a monthly to a fortnightly, and filled many columns with letters from friends of social justice all over the world.

Prof. Felix Frankfurter, one of the liberals of the Harvard Law School, published an article in the *Atlantic Monthly,* the Back Bay's palladium of culture, reviewing the case and exposing the manifold errors of Judge Thayer. To Boston conservatism that was a frightful scandal, and something had to be done at once. A champion was found, a tremendous personage by the name of Wigmore, with so many titles and honors that it took two and seven-eighths inches in "Who's Who" to recite them: a graduate of Harvard and of the Harvard Law School, Past President of the American Institute of

Criminal Law and Criminology, Past President of the American Association of University Professors, Commanding Member of the Staff of the Judge Advocate-General of the United States Army with the rank of Major, Member of the United States Section of the Inter-American High Commission, Chevalier of the Legion of Honor of France, Member of the League of Nations Committee on Intellectual Coöperation, and Dean of the Law School of Northwestern University—a Methodist institution lifted to worldly magnificence by Judge Gary of the Steel Trust.

This two hundred and forty centimeter gun went into action from its emplacement a thousand miles away. Dean Wigmore wrote a broadside, starting with two columns on the front page of the *Transcript,* and expanding into seven half-columns on the next page. He gave Felix Frankfurter one of those wiggings which professors exist to receive and deans exist to administer. With annihilating wit he referred to him, all through the two columns and the seven half-columns, as "the plausible pundit"; he accused him of having made "errors and misstatements which if discovered in a brief of counsel submitted in a case would qualify him for proceedings for disbarment."

Alas for poor Dean Bigwig! He had got his citations from Thayer, or from some friend of Thayer's; and never could it have entered his bewigged head that a judge of the Superior Court of the august Commonwealth of Massachusetts would practice the device of falsifying a legal record, quoting statements incorrectly, and even making up passages which he said were in the record, but which were not in the record! If such procedures "would qualify a lawyer for proceedings for disbarment," what would they do to a judge of the Superior Court? Apparently they would qualify him for the enthusiastic support of all the courts and most of the newspapers of his Commonwealth, as well as of the Dean of the Law School of the University of Judge Gary. They would qualify him a few months later to have the banqueting alumni of Dartmouth College stand up and cheer themselves hoarse for a five full minutes by the watches of newspaper reporters.

Defending himself in his last decision, Judge Thayer had boasted that the Supreme Judicial Court had "approved" the verdict of the Dedham jury. Felix Frankfurter had pointed out

that this was not true. All that the higher court could do was to "affirm" the verdict, which in the technical language of lawyers is an entirely different matter. The dean now elaborately denied that Thayer had used the word "approved," and he accused Frankfurter of libeling Thayer. "It is a libel on the worthy trial judge, in that it charges him with knowing falsity in an official statement."

Touching indeed the faith of poor Dean Wigmore in his "worthy trial judge" a thousand miles away! Had this "worthy trial judge" failed to furnish him with the full text of the decision? Or had the dean been in such a hurry to burst into the *Transcript* that he hadn't stopped to examine the document for himself? All that Felix Frankfurter had to do in his reply was to refer the worthy dean to the sentence in Judge Thayer's opinion, as printed in the Amended Bill of Exceptions over Judge Thayer's signature, attested by the Clerk for the Superior Court of Norfolk County, pages 366 and 367, where the word "approved" was plainly to be read. So there was Dean Wigless, in the distressing position of having furnished the rope to hang his friend, Judge Thayer, for "knowing falsity in an official statement"!

And then the questions and answers about Sacco's dialogue with Katzmann, which Judge Thayer had invented and inserted into his decision! The dean had accepted this bogus passage, and put it into his letter to the *Transcript,* and the *Transcript* had solemnly published it. Now, said Frankfurter, "a careful search of the record of Sacco's cross-examination discloses no such questions and answers as Dean Wigmore quotes. Will he not be good enough to give me a reference to the page of the record?" Needless to say, Dean Baldhead would not be that good! He would fail to mention the matter again; and the Back Bay's hatred of Felix Frankfurter, Viennese Jew, became so intense that they started a tale of his having been hired by the defense to write the *Atlantic Monthly* article; they raised his price several thousand dollars a day, until they had got it up to the colossal sum of one hundred and forty thousand dollars! Such was opinion in that part of Boston which Vanzetti described as "the golden rabble."

VII

Rumors! Rumors! The State House was converted from a bootleggers' joint to a poison gas factory. Every day new witnesses went to see the Governor, and there was a new crop of stories as to what they had told him, and what he had asked them. The Governor wants to know why Vanzetti didn't take the stand at the Plymouth trial! The Governor has heard that Mrs. Brini got all the Plymouth witnesses together in her home and told them what to say! The Governor has learned that the *Springfield Republican* got twenty thousand dollars from the defense committee for its editorial on the case! And all these rumors were not rumors, they were for practical purposes the truth; the Governor heard them, and the Governor believed them. Surrounded as he was by men who took bribes, how could he conceive that anybody would work for nothing? Some one was causing state detectives to follow the witnesses for the defense, and these detectives would come back with notebooks full of formulas for the poison-gas factory under the golden dome.

Sometime previously the defense had got hold of the reports of the Pinkerton detectives on the South Braintree crime. An amazing revelation to Cornelia and Betty and Joe: those voices which had been shouting to them in the days before the trial, when they had been seeking witnesses, and failing to find them! The ghosts which had shrieked in Dedham courtroom, unheard by mortal ear! The secrets which had been in the head of Henry Hellyer on the witness-stand—the very notes he had held in his hand! Now Cornelia and Betty and Joe might go with this "Operative H.H.," immediately after the South Braintree crime, to interview Mary Splaine, the star identification witness; that marvelous-eyed young woman who had looked out of a factory window in the midst of shooting, and at a distance of eighty feet, in a period of one or two seconds, had noted the minutest physical details of Sacco, including a "good-sized left hand," which he assuredly never had, and "complexion of a peculiar greenish-white," which he had after being kept in Dedham jail for a year, but never while he was growing tomatoes in Mr. Kelley's garden!

Here in these reports you saw Mary Splaine in the com-

pany of Henry Hellyer, Mike Stewart and Captain Proctor, inspecting the photographs of criminals, and making a positive identification of Antonio Parmisano, or "Tony the Wop," as the bandit who had played the part which was later attributed to Sacco. Captain Proctor set out to get "Tony the Wop," and discovered that he had been in jail on the day of the crime—the one really safe place for wops in Massachusetts! And meantime Mary had told to "H.H." a detailed and circumstantial tale about two men in the shoe-factory who had plotted and committed the crime; she gave the names of the men, and recited a story which covered the affairs of the shoe-factory for some eighteen years. Six days after the arrest of Sacco and Vanzetti, the detective was entering his report as follows:

"As opportunities occurred I made discreet inquiries about Mr. X, who Miss Splaine accused of having been implicated in the murder and robbery. My inquiries show that there is absolutely no ground for Miss Splaine's accusation and that Mr. X enjoys Mr. Slater's confidence." (Mr. Slater was the owner.) "To-day I took the matter up with Mr. Frayer" (the superintendent). "He ridiculed the idea of Mr. X being implicated and further states that no serious attention must be attached to Mary Splaine's stories, because she is one of the most irresponsible persons he ever came in contact with."

And then, a little glimpse into the soul of an "operative," representing a great national detective agency and looking for bandits. He knows that the police have got Sacco and Vanzetti and are planning to put the crime onto them; and he reports how he questioned a laborer who was digging a trench, close to the scene of the crime. He reports this laborer as having had a very good chance to get a good look, and adds, "Some one who can speak Italian ought to interview this man, as if he went on the stand to-day he would say that Sacco and Vanzetti were not the men."

VIII

Witness after witness went to interview Governor Fuller and returned to defense headquarters, reporting that the super-salesman had got his mind centered on the Bridgewater crime.

So Mr. Thompson did some inquiring and pulled some wires, and managed to get from the lawyer of the shoe company the reports on that earlier crime, made by the same "Operative H.H.," and another man, "J.J.H." Here again the evidence wiped out practically everything the government had proved. On the day of the crime all four of the leading witnesses had described both the car and the bandits differently from the way they later described them at the trial.

These Bridgewater reports seemed of especial importance, because they destroyed the witness "Skip" Harding, who saw the Bridgewater crime, and at the trial identified Vanzetti as the shotgun bandit. Here in the Pinkerton reports was "Skip," talking with the police a few hours after the crime, and that certainty which he had displayed upon the witness-stand was wholly lacking. "I did not get much of a look at his face, but think he was a Pole," he said; and eight or nine days later he again referred to the faces of the bandits, saying that he "did not see them on the day of the hold-up." The car he described as a "black Hudson six," and gave the registration number; as an automobile mechanic, he knew cars. The police decided to prove that it was a Buick. When Harding testified at the trial, he testified that it was a Buick.

Every one of the other principal witnesses was discredited in the same way. The witness Bowles, for example, had described the shotgun bandit as having "red cheeks," "slim face," and "a closely cropped mustache," which surely did not fit Vanzetti. So the defense lawyers felt that they had won their case, and Mr. Thompson prepared an elaborate letter to the Governor, thirty-three typewritten pages. The reports and the letter were taken to the State House and delivered to the Governor's secretary, and everybody waited, on tiptoe with excitement, for some word of the result. A week or two later one of the friends of the defense, arguing with the Governor, happened to remark, "That is disproved in the Pinkerton reports." Said the Governor, "Pinkerton reports? What are they?" "Those reports which were turned over to you," replied the amazed visitor. "I haven't seen any such thing," declared the Governor, and turned to his secretary. "What's this about Pinkerton reports?" "Oh," said the secretary indifferently, "something about a cropped mustache!"

IX

Beltrando Brini was in his nineteenth year, a slender, dark-eyed youth, preparing to enter college, and earning his living by teaching the violin to Italian children in Plymouth. He still went now and then to play for Bart in prison; also he was in demand to play at meetings for the defense. He could play fine music, but the number most effective was "Old Black Joe," because it was the tune which Bart had helped to teach him as a little boy. Trando would tell the story of that ill-fated day-before-Christmas morning, when he had helped to peddle the eels in North Plymouth; he would tell what Vanzetti's teachings and example had meant to him, all through his early life; after which he would play Bart's favorite song, "When you and I were young, Maggie," and tears would run down the faces of women in the audience.

Now Trando went to see the supersalesman of automobiles, and told the story to him; but no tears appeared upon those ruddy, rounded cheeks. It seemed that the great man had worked out a new theory for himself; he pictured Bartolomeo Vanzetti attempting the Bridgewater crime at a quarter to eight that winter morning, and then driving twenty miles or more to North Plymouth, and starting in to sell eels with Trando for an alibi. In vain did Trando insist that he and his father and his mother and Bart's landlady and many other persons had seen Bart from the moment he woke, at six o'clock that morning, long before daylight; in vain did Trando tell about Bart sending him to hunt for his rubbers. Apparently the Governor thought that Bart had gone to Bridgewater and attempted the hold-up while Trando was rummaging in the attic for his rubbers!

And then Mrs. Brini, the gentle and kindly, who shed tears every time she thought of her former boarder, and insisted, over and over: "He is good man! He is good man!" The Governor confronted her with the proposition that she had gathered all the witnesses at her home and taught them what to say. In vain she explained the origin of that tale—that the lawyer had been too lazy to go and interview the witnesses, but had told her to have them come to her home, and he would meet them there to consult about the case.

And then Joseph Rosen, the Jewish peddler of cloth. The defense had to advertise for him in the *Jewish Daily Forward*. One day came a telegram from Buffalo, he had heard about the case and would come. Having learned more English in the course of the last six years, Rosen could take care of himself. When he was ushered into the executive chambers and the Governor started to question him about where he had been six weeks ago, and could he remember what he had done on March seventeenth last, "What's this?" said Rosen. "More of that Katzmann stuff?" He had not forgiven the district attorney for trying to make a fool of him before the jury.

X

And then one of the editors of the Boston *Transcript*. The age of miracles had come; an editor of the sacred *Transcript* had been persuaded to investigate the case, and had become convinced that the men were innocent! He was so conscientious about it, his employers were impressed, and generously let him do it on their time: they would pay for the getting of material, even though they would not publish it! Now this conservative and indubitably respectable gentleman proceeded to the Governor's office, with a brief-case full of documents and charts. He went prepared to point out to the chief executive of his Commonwealth the flaws in the government's case; and he had what he later described to his friends as the most preposterous hour of his life. For the Governor didn't want to have any flaws pointed out to him, and when the editor insisted, his recourse was to interrupt with rude and brutal ejaculations, and to snort through his nose.

But the editor went on, insisting, because it was a matter of justice, and the New England conscience is that way. There was the matter of the discrepancy of the trains, upon which the editor had done enough research work and calculation to have earned him a degree at the Massachusetts Institute of Technology. Practically the only proof the government had against Vanzetti in the South Braintree crime was the identification of Levangie, gate-tender at the railroad crossing, plus the identification of another crossing-tender, who thought Vanzetti had pointed a gun at him and made him raise his

gates, while the bandit-car was fleeing with the loot. This latter crossing was on the way to the Manley Woods, where, according to the "theory," the bandits had "thrown away" the Buick car, not far from the Coacci house.

This made what the jury had accepted as a story; but now came the editor, showing that each of these two crossing-tenders had specified a certain train, and the time of these trains was a matter of record, and they didn't fit. The Governor thought that possibly one train or the other had not been on time; but the editor answered that there were such things as "train-sheets." He had the greatest difficulty in the world convincing his Governor that a railroad has records showing the hour at which every train passed every station, even as far as six years back. As a matter of fact, the sheets of those trains had been produced on the stand at the trial, and the district attorney might have found the truth if he had wanted it.

A singular interview! The Governor would profess complete mastery of matters concerning which it was evident that he knew very little, and when he was corrected, would fly into a rage and demand, "What right have you to question me?" The too-conscientious editor could not make his arguments clear, because the Governor did not know the elementary facts upon which the arguments rested; nor could he explain these elementary facts, because that would offend the great man's dignity. He came out from the interview to report that the situation was hopeless from the point of view of the defense. He realized, of course, the political game that was going on: the "grand-stand play," in current slang. The Governor would have the whole world marveling at his patience and open-mindedness, while in reality he was impatient of argument, and his mind was closed.

XI

Bitter struggles in the rooms of the defense committee on Hanover street, where radicals and conservatives fought over the question of how to meet this desperate situation! Controversies lasting until the small hours of the morning, and then not settled! Feuds between respectable persons who wanted to follow the guidance of respectable lawyers, and young social-

ists and communists who wanted to make mass appeals, and have parades on the streets, and threats of a general strike! The young radicals organized a protest meeting in Symphony Hall, to tell Boston the facts which the Governor knew and was hiding; but then came Thompson and Frankfurter, and forced the calling off of that meeting, by threatening to withdraw from the case. Joe Randall and his wife would labor all night to prepare hair-raising stories for the newspapers; but when the reporters came to Thompson, he would wave them away with a phrase, "Nothing for the papers to-day." It was easy to understand his point of view. There was no worse charge to be brought against a lawyer by respectable Boston than that he was "trying his case in the newspapers"; and Thompson clung to his belief that somehow it was going to be possible to persuade respectable Boston to grant justice to his clients.

A brilliant idea came to Betty—to collect the testimony of persons with whom Judge Thayer had discussed Sacco and Vanzetti during the past six years! To present respectable Boston with the profanity, vulgarity and hatred which old Judge Fury had poured out in the presence of everybody, from senators to club waiters! This idea was presented to the lawyers, and at first they were horrified; but as time passed, and the Governor's bias became clear, they worked out a way to make it into a legal procedure. They would appeal to the Governor on the ground of Thayer's prejudice; if that did not succeed, they would make a further move in the courts on that basis, with a possible appeal to the Supreme Court of the United States on a writ of certiorari.

So began a still hunt among those who knew but did not admire the "worthy trial judge." There were many such persons in high station; but would they consent to violate the reticences which protect social life? Appeals to their consciences were made, and a few yielded: George U. Crocker, a former city treasurer, and member of the University Club, where Judge Thayer had lived during the Dedham trial; Mrs. Lois Rantoul, who was a Lowell; Robert Benchley, one of the editors of *Life;* Elizabeth Bernkopf, a newspaper correspondent; John Nicholas Beffel; and Prof. Richardson, of Dartmouth College, to whom the judge had said, "Did you

see what I did to those anarchistic bastards yesterday?" What "Web" had really said was "anrychistic bastards," but there was no use trying to get that across to the public; nobody would believe it, and anyhow, all persons who handled the story—reporters and compositors and copy-readers—would decide that it was an error, and do their duty. Prof. Richardson said he thought that "Web" had also said "sons-of-bitches"; but of course there was no way to get that printed in a moral community.

A picturesque little drama over the getting of the signature of Frank P. Sibley, star reporter of that premier family-paper, the Boston *Globe*! "Sib," as he was known to his colleagues, was a much beloved and slightly picturesque figure, known to everybody on the streets of Boston—six feet tall and wearing a Windsor tie, as near to a "Bohemian" as could survive in that frigid atmosphere. He had been the correspondent of the *Globe* at the Dedham trial, and had heard many expressions of prejudice by Thayer. He had agreed to sign an affidavit, and it was got ready; but then he discovered that he couldn't sign it, his managing editor wouldn't let him! In fact, "Sib" had come to agree with his managing editor—it was necessary for a newspaper reporter to be impartial. Just like a judge!

A serious disappointment to the defense, for Sibley was an experienced man, who had been covering major court cases in New England for some twenty years; moreover, he didn't have to rely upon his memory of Thayer's conduct, he had written a letter about it to the attorney-general of the Commonwealth. There was a conference of Joe Randall and Gardner Jackson and others who knew the newspaper game, and there came a tip from one of the editors of the *Globe* as to how the issue might be forced. Let the *Globe* hear the threat of public exposure of the fact that it was refusing to let one of its reporters sign an affidavit in the interest of justice. Mild blackmail, in short!

William G. Thompson was consulted, and proposed to submit the Sibley affidavit to the Governor as his own affidavit, and have Sibley called before the Governor—which would, of course, open up the story. Armed with that dire threat, Gardner Jackson went to see the managing editor of the *Globe*, under

whom he had worked for seven years, and they had their first quarrel in that long period. The managing editor said that they were playing an unfair trick upon his paper, that it was a dirty thing to do, and so on. He would not give any decision; but that same afternoon Frank Sibley came to Thompson's office and affixed his signature!

XII

The supersalesman of automobiles had announced that he would not appoint any commission; the law did not permit him to delegate his authority, but required him to make the decision himself. But Cornelia and her blue-blood friends went on with their quiet intrigue, and one day there appeared in the papers a letter signed by the Bishop of the Blue-bloods and four of his flock, appealing to the Governor for an advisory commission. Just as Cornelia had foretold, it was impossible for a mere automobile dealer to withstand such pressure; he changed his mind. As a great man in public life, he of course did not announce that he had changed his mind; he merely announced that he was going to do what he had previously announced he was not going to do.

More intrigue, to induce him to name the right commission! Dignified established persons, wholly without taint of contact with anarchism, atheism or draft-dodging, called upon the Governor, or wrote letters, pointing out to him that there was one eminent citizen who would be trusted by all right-minded persons in New England to give a just and impartial opinion regarding the guilt of the two accused men—and that was "Mr. Lowell"! It was the "middle minds" who were inspiring this intrigue; Cornelia, partly of her own impulse, partly led by her friends, had come to center her hopes upon the august President of Harvard University. "Radical" friends, including her granddaughter and her grandson-in-law, laughed at her for believing that Mr. Lowell would prove himself more free from prejudice than any other millionaire. But they had nothing in particular against him, and nobody to prefer, among those whom the Governor would consider. "So let dear old Grannie go ahead," said Betty; "it keeps her hoping."

Grannie went ahead, and in due course an announcement

came from the State House; the Governor had appointed a commission consisting of A. Lawrence Lowell, President of Harvard University, Robert Grant, retired judge of the Probate Court, and Samuel W. Stratton, President of the Massachusetts Institute of Technology. A vast and unanimous sigh of relief went up from the Back Bay. At last the terrible problem would be settled, and settled right! It would be dealt with by gentlemen, instead of by vulgarians and political tricksters, corrupted officials and police agents! A new atmosphere would be brought into the case, and the world would see that Massachusetts brains and breeding still counted for righteousness and dignity! Two of the three members of the commission were registered blue-bloods; the third, though he came from the west, had been adopted and placed in charge of the great school which, next to Harvard, was Boston's pride, the place where the technicians of her giant industries got their exact and efficient training.

XIII

Vanzetti was now in Dedham jail, and Cornelia made a trip to carry him the good news. Needless to say, he did not know the President of Harvard University, but if Nonna said that he was a good and great man, Bart was willing to believe it. But she must not forget that it was hard for a rich man to rise above the ideas of his class. Was Mr. Lowell a very rich man? When the prisoner learned that he owned huge cotton-mills, and enjoyed an income of close to a million dollars a year from the ill-paid labor of wage-slaves, the prisoner said, "He must be a very great man if he do joostice to anarchistas."

Bart preferred to converse about Proudhon's "Peace and War," which he was translating. Here was his idea of a great man. They discussed the formula, "Property is theft"; and Bart showed a letter to the Vanguard Press, to which he was sending the manuscript of the translation. "By gosh, don't loss it!" was his injunction.

Also he had been doing more work upon his novel, "Events and Victims." It was in reality a very short novelette: the story of an immigrant worker in America; but alas, no maga-

zine would publish such material! Bart thought that if some one would send a copy to Russia, it might be published there —or possibly made into a moving picture. In America, of course, they wanted moving pictures about the rich, or in praise of riches. Bart had put a passage about the "movies" into his novel, and he read it now to his friend.

A curious circumstance: in nine or ten weeks he was to die, in the midst of terrific public clamor; and the chiefs of the moving picture industry would hold a meeting and resolve that the name of Vanzetti was to be forever barred from the screen, and that all pictures which had been taken of the case should be immediately destroyed. They, the propaganda chiefs of capitalism, knew who their enemies were, and no mistake about it. Said Bartolomeo Vanzetti, speaking to the suppressors of his fame:

"I went out and walked towards the theater, hoping to see Johnny whom I knew to be passionately fond of moving picture shows. That night they were showing a screen version, a fragment of one of those romances which distort truth and realities; falsify history; provoke, cultivate and embellish all the morbid emotions, confusions, ignorances, prejudices and horrors; and, purposely and skillfully pervert the hearts and, still more, the minds. The characters of these morbid melodramas are always of two opposite types, one very good, the other very bad. The good ones are the good folks who are always good, always do good, are always right, and in the end always triumph. The others are always bad folk, who are always wrong, always do evil and finally pay the penalty. Just the reverse of life!

"Thus meditating, I reached the theater. Of course it was, as usual, crowded to the doors. The common people, being all heart, with little brain and less knowledge, are passionately interested in such senseless stories, and not a scene escapes them. They develop a wild and unreasoning affection for the unreal characters of the unreally good, whose hatreds and loves, risks and triumphs they share, and fervid hatred for and resentment against the unreal characters of the unreally bad gang. They lose their heads, weep, sigh, laugh, smile, fear, hope and throb, and, forgetting their cross of infamy, leave the theater more stupid than when they entered it."

XIV

The Advisory Commission could not get to work until after the college commencements were over. But meantime the secret hearings before the Governor went on, and in the offices of the defense committee several typewriters clicked all day and most of the night, and sacks full of letters, leaflets, and pamphlets went out. The barriers set up by the capitalist press were broken down; even the great news agencies had to spread the world's protest. The flood of letters rose higher in the Governor's office, and while the secretary still boasted of the promptness with which he burned them, they did not fail to produce an effect—especially when reinforced by the explosion of bombs in front of United States embassies in Europe, and the crashing of window-glass in Argentina.

Cornelia wrote letters, and carried on long telephone conversations, and traveled about visiting businessmen and bankers in their offices, and wealthy ladies in their homes on Beacon Hill and Commonwealth Avenue. For the most part they listened with the patience which her age and station demanded; they promised to study the case, and often did so. Now and then they told her that while they appreciated her sincerity, they knew that she was being imposed upon by scoundrels, and that it would be wiser if she did not force them to discuss the matter.

Cornelia knew what to expect; she had watched Boston for a couple of generations, and read of it still earlier. In any moral issue, officialdom had always been on the side of reaction, and the broadcloth mob had supported it—even to the extent of putting a rope about the waist of William Lloyd Garrison and dragging him through the streets. But always there had been a small minority of choice spirits who had come out in opposition, and made the glory of the city's history. Among these had been the oldest names and the bluest blood; and so it was now. There appeared an open letter addressed to Governor Fuller, asking a list of pertinent questions, and the signers of that letter included the best that Massachusetts had to show in every form of culture. Nor did these people stop with writing letters; they wrote their names upon checks, and gave time and thought to the case—everything that civilized

human beings could do to make headway against brutal power.

The Thornwell family offered a miniature of the whole Back Bay. Cornelia crusading, and her granddaughter Betty ready to turn into a militant, and get her head broken by the police; while on the other hand the aged Abner Thornwell, oldest member and nominal head of the family, was sitting paralyzed in his wheel-chair, boiling like a steel crucible about to explode. Great-uncle Abner—so he was always referred to, because of the children—resembled his sister-in-law Cornelia in one thing, that he could not think or talk about anything but Sacco and Vanzetti; his conversation, a monologue on account of his complete deafness, resembled a verse-form with a refrain—"Burn them! Burn them!"

Abner insisted upon writing bloodthirsty letters to the Governor and to the newspapers. This would have been a scandal, because everybody knew of Cornelia's part in the case; and since she had taken it up first, family etiquette declared it to be hers. So the Scatterbridge family, with whom the old man resided, entered into an elaborate conspiracy to suppress his letters; secretaries, chauffeurs and attendants, butlers, footmen and maids—everybody had to be warned to bring the old gentleman's letters to Mr. James instead of mailing them! In the end the victim found out about that, and worked himself into such a fury that the family was afraid he would die on the spot. He had to be allowed to mail a letter to the Governor, and to have an acknowledgment, as his rank and station required; James having sent his secretary to explain the circumstances and see that the letter was not given to the press.

XV

Between these two extremes the other members of the family were distributed here and there. Henry Cabot Winters had become quite sympathetic toward his "Bolshevik mother-in-law"; he gave it as his legal opinion that she had come out of her seven years' struggle with unexpected glory. Regardless of whether her wops were innocent or guilty—and Henry said he had no opinion—she had proved to all the world that they had not had a fair trial. Who could have foreseen that luck would oblige her with such incidents as the making of bogus citations

by "Web" Thayer, and the annihilation of poor "Dean Wigless" in the columns of the *Transcript*? Manifestly, the judicial system of Massachusetts had slipped up. While the great lawyer would not do anything about it, nor even say anything about it, he would furnish his mother-in-law with first-class legal advice free of charge.

Also Quincy Thornwell had been impressed by the interest taken in the case by men of standing in the financial world, such as John F. Moors, who was a member of the "Fincom," or Financial Commission—a device of the blue-blood bankers to watch the politicians, and keep them from stealing too large a percentage of the public funds. When Mr. Moors publicly said there was something wrong, Quincy stopped arguing with his aunt, and took to toddling round on his withered legs, a faithful messenger-boy, bringing gossip from the dinner-tables of the rich.

Mrs. Jack Gardner had left Fenway Court for palaces and mansions above; but other hostesses had taken her place, and Quincy would bring home the funny stories which smart society liked to tell about the supersalesman of automobiles, and his old paintings and other efforts at culture. He had proposed to appoint Harry Garfield, president of Williams College, to the Lowell commission, but Mrs. So-and-so had insisted that it wouldn't do, because Harry's grandfather had been assassinated by an anarchist. It had really been his father, said Quincy; but the State House wasn't very strong on history. Cornelia added that the assassin had not been an anarchist, but a plain lunatic, which was different, whether the Governor would admit it or not.

"As a matter of fact," said Quincy, "on that basis the Governor would himself be barred from deciding, because somebody murdered *his* grandfather."

Cornelia took that bit of history home with her, and mentioned it to the sarcastic Betty, who retorted: "Somebody murdered him too late!" Cornelia shuddered, and said "Hush!"—looking about for a spy. The thing of which she lived in hourly terror was that some lunatic might kill somebody connected with the government—in which case it would be all over with Sacco and Vanzetti, and perhaps with the defense committee as well!

Another person who had been startled by developments in the case was Betty's mother. Impossible that Deborah should not be shaken by the letter from Bishop Lawrence, whose prize parishioner she was—he came to a state dinner at her home once every year. Yes, Deborah said, her mother had had ground for the protest; but now her troubles were all over, Mr. Lowell had the matter in charge, and would see that it was straightened out.

There was quite a tug of war in the Alvin family, for Rupert said thumbs down on all anarchists. But of course he wouldn't dare to say so publicly, in defiance of his mother-in-law and his wife. What the great banker did was to keep out of the uproar, by pleading temporary retirement on account of ill-health. His doctors had insisted that he should find a "hobby," something else to be interested in but other people's money. So he was taking up church architecture, designing with his own hands a miniature English abbey, and having it built as a private chapel on his North Shore estate. It was costing a hundred and fifty thousand dollars, but was really an economy, so the great banker explained; it would be a church for his friends and servants on the estate, thus saving gasoline and tires, and later on it would be a mausoleum.

XVI

And then the Scatterbridge family. Clara had raised her brood, who were in schools and colleges, and asking questions; therefore the mother was trying to understand public affairs, but finding them extremely complicated. She accepted the pamphlets her mother gave her, but the trouble was, she fell asleep so easily. As that was bad for her "reducing," she found it better to go to bridge parties. When Cornelia told her a sad story about the wife of a shoe-worker, whose marriage had been a sort of death in life for seven years, Clara would be deeply touched, and would write a check to help feed and clothe the Sacco children. Then, in course of their talk, Cornelia would learn that Clara had just given a check to a patriotic lady who had called on her, representing a society which was seeking to compel all foreigners to be good, by having them registered and finger-printed by the police. This society was sending out

literature demanding death for Sacco and Vanzetti; so Clara's money was at work on both sides!

But no such conflict in the case of Clara's husband. James Scatterbridge was one of the stern ones, upon whom Cornelia could make no impression whatever. The sarcastic Betty explained it by what she called "economic interpretation." A great lawyer like Uncle Henry had to keep his mind open, because he could never tell which side might hire him; a banker like Father didn't have to worry, because no matter whose money was stolen, it always came back to the bank; but an industrialist like Uncle James was a slave-driver with a whip, and if he didn't hold it tight there would be no money for anybody.

James Scatterbridge would keep Abner's stuff out of the papers, because family dignity required it; but he would go about among the lords of cottons and woolens and shoes and hardware and transportation, and voice his conviction that this was the great test of our institutions, and if we didn't teach a lesson to the forces of disorder, the government might as well abdicate once for all. James had a voice that was like his annual product of a hundred million yards of cotton sheeting being ripped all at once by a giant hand; and just now was a great moment in his life, because he had been invited to address some important gathering of his fellows. He had set his best advertising man to writing a speech for him to learn, and Cornelia heard him rehearsing it in the library, in the presence of his adoring wife and several indigent female relatives: denouncing the rumors that the cotton industry was going to be lost to New England, and likewise the rumors that the "*boot*nshoe" industry was going to be lost.

James pronounced this latter as one word, with the accent on the first syllable; and he said it several times—"I say that the *boot*nshoe industry shall *not* leave New England!" It was a kind of incantation, which became effective when you said it loud enough and often enough. Quincy Thornwell explained to Cornelia that the old families who owned the cotton mills and shoe factories insisted on having all the money in dividends, and left nothing to keep the plants up. James hadn't put a new machine into his mills in thirty years—so of course he was being undermined by Jews who got capital in New

York and cheap labor in the Carolinas, and had no fear of blue-blood bankers conspiring to put them out of business because they were not graduates of Harvard and members of the Union Club!

XVII

Nemesis was waiting for James Scatterbridge, with such a tragedy as she prepares for powerful, aggressive, absolutely certain men. His sons were growing up; the oldest, James junior, was a member of the Harvard class of '27, and Cornelia failed to attend the graduation, because of the anguish and suspense of the Sacco-Vanzetti case. The second son, Josiah Thornwell Scatterbridge, was a sophomore at Harvard, and called on the phone, saying that he wanted to see his grandmother; so Cornelia invited him to lunch.

She hardly knew these children of Clara and James; to her they were still the nursery mob that scratched rare old furniture and smeared chocolate caramels on brocaded upholstery. They were growing up into individuals, but she had not had time for them. Now came "James's Josiah"—such was his awkward designation—a shy, yellow-haired youth with staring blue eyes—and revealed the amazing thing that had happened. "Grandmother, I went to a meeting of the Liberal Club in college, and heard a man tell something about your case. It sounds to me pretty rotten, and I don't think the family ought to leave you to do all the work. I thought I'd ask you to give me something to read, so that I can answer what people say."

So there was punishment for a powerful, aggressive, absolutely certain manufacturer of one hundred million yards of cotton sheeting per annum! He had a son who was sensitive and open-minded, and was going to disgrace him before the world! "James's Josiah" took the handful of pamphlets from his grandmother, and he did not fall asleep over them, but read them in a day, and told his brothers and sisters what was in them, and there were family rows, and word came to the father, who summoned the renegade to his office.

There was a stormy scene, in the course of which the son was absolutely forbidden to believe certain things which he could not help believing. He explained how he could not help

it—thus administering to his father a subtle form of annoyance, which no enemy could have made worse. There was a "bust-up" between father and son; and when Clara heard about it, there was a near "bust-up" between husband and wife. For Clara took the boy's side; he had a right to think for himself, and should most certainly not be put to work in the mills by way of punishment. Maybe Clara's mother was right; there was a lot of rottenness in politics, and it was time that women began to make their votes count. So there was the Scatterbridge family, in the same turmoil over the Sacco-Vanzetti case as all the rest of Massachusetts!

CHAPTER XIX

ACADEMIC AUTOCRACY

I

While presidents of great colleges delivered baccalaureate sermons and partook of graduation banquets, the two wops waited in jail, with the grim sentence hanging over their heads —to "suffer the punishment of death by the passage of a current of electricity through your body within the week beginning Sunday, the tenth of July, in the year of our Lord, One Thousand Nine Hundred and Twenty-seven." A singular perversity in the Governor of a great Commonwealth, a reluctance to grant even the smallest concession to hated defenders of hated wops: he would not say whether that sentence was to be postponed, but would leave the whole world to speculate for a month, and to imagine the execution. Said the defense committee in its June bulletin: "Torture of the body practiced in the Middle Ages is nothing compared with the torture of the mind and heart upon these two innocent men and their families and friends."

The law specified that ten days prior to the date of execution condemned men should be moved to the death cells in Charlestown prison. Since there had been no reprieve, this law applied to Sacco and Vanzetti. The authorities of Norfolk County were anxious to get rid of them, on account of the expense; and so upon the first minute of the first day of July, the sheriff and his deputies entered the cells of the two men in Dedham jail, and ordered them to dress. No reasons given, no time allowed to pack their books and papers; they were shackled, and taken out into the darkness to a waiting automobile. With a dozen armed men riding behind and before, they were taken to Boston, through the sleeping city, and lodged in the "death cells."

No one told them what this procedure meant, and they took it to mean immediate execution. Vanzetti's first action upon his arrival was to start writing a farewell letter to the com-

rades. From now on they would live in solitude, close to the electric chair. Their friends cried out in horror—foolish sentimentalists, who had not yet brought themselves to face the thought of that electric chair! But the ruling class of Massachusetts knew what it meant to do, and went ahead. Not until after the move to the death cells did the Governor condescend to postpone the date of execution for a month.

The Lowell Commission held its first session on the last day of June. They met in the Governor's Council chamber in the State House; a large room, done in white, high-studded, Doric style, with rich mahogany furniture, and soft velvet carpets. The desks are arranged in a circle, one continuous desk, with swivel chairs; overhead, a heavy chandelier, in which the history of New England's technical progress had been recorded: first whale oil, then coal oil, then kerosene, then gas, and now electricity.

The first meeting of the Commission was "to determine procedure," the papers said. The first procedure determined was secrecy, and it was very determined; not merely were spectators and newspaper reporters to be excluded, but witnesses and lawyers had to agree not to discuss on the outside what they said on the inside. A bitter disappointment for the defense committee, whose one hope was the education of public opinion. "It is very bad," said Vanzetti. "It means they kill us."

On the fifth of July the Commission began to hear witnesses, and the friends of the defense received more shocks. The Constitution of the United States provides that every man accused of crime shall "be confronted with the witnesses against him." But these important gentlemen were going to examine witnesses, while Sacco and Vanzetti stayed in Charlestown prison, ignorant of what was going on. Furthermore, the Commission reserved the right to exclude defense counsel from the room whenever they saw fit, and to limit cross-examination as they saw fit. When the rules of legal procedure suited the convenience of the three important gentlemen, they would apply, and when the rules were inconvenient, they would be set aside.

Joe Randall, reporting developments for labor papers in New York, was one of the crowd which haunted the State House corridors and besieged the doors of the executive chambers. So he heard gossip not meant for "radical" ears; and

after the third day he came to the apartment on the north side of Beacon Hill, and sat down by Cornelia and took her hand and said, "Grannie, I'm sorry—you've got to brace yourself for another blow."

Cornelia winced; her lips trembled, in spite of her best efforts. Poor old lady, she had had more than her share of blows. The young reporter's heart ached for the pitiful shrunken figure in the big Morris chair. "What is it, Joe?"

"Your dolly is stuffed with sawdust, Grannie."

"How do you mean?"

"I mean, your great Mr. Lowell is just another 'Web' Thayer."

"Oh, no!"

"Take my word for it, and get ready for the worst. The newspaper fellows fool the public, because that is what they are paid for, but they don't as a rule let themselves be fooled. This Commission consists of Thayer, Katzmann, and Fuller all over again—with a little touch of Rugg and Wait and the rest of the supreme court judges, for dignity. They know that the men are guilty, and their purpose is to find evidence to justify the verdict. Mark my words, Grannie, before they get through they'll do everything that Thayer has done, even to misquoting testimony and falsifying the record. Only one difference—Mr. Lowell will see to it that they have better manners."

"You are too optimistic," said the sarcastic Betty.

II

If it took Cornelia two weeks to realize that these predictions were right, it was only because she could not bring herself to admit the plain meaning of events. Witnesses emerged from that "star chamber," and kept their promise not to talk to reporters; but they talked to their friends, including the defense committee. So came pictures of three elderly grayheads, impatient, bored and irritated—partly on account of the weather, for it was stifling summer heat, but more especially by witnesses trying to get them to believe what they considered a wicked tangle of perjuries and deceptions.

Fuller was a politician, and used to making pretenses; but

none of the three commissioners had ever been anything but an autocrat, and it was impossible for them to conceal their annoyance at the efforts of men and women to persuade them that notorious dynamiters and bandits were anything else. Lowell had already made the pronouncement that Sacco and Vanzetti were not really anarchists—that was just a camouflage their friends had invented for them! And what Lowell said became the truth, for his two colleagues regarded him as on the whole the greatest man in Massachusetts, and therefore in the world.

Betty turned out to be right on the subject of his manners. He could be courtesy incarnate when he wished to; but this was not one of the times. He interrupted the defense lawyers, and badgered them like schoolboys. The fact that William G. Thompson had been a trial lawyer for thirty-six years did not save him; nor the fact that he had been a federal prosecutor, nor the fact that he had been a Harvard lecturer. Said Lowell, "I don't know whether you are trying to reach the truth or not. I assume, of course, that you are." Said Thompson: "I am not going to put any question to this witness or to any other witness in the case unless it is assumed by the Commission that I am here *not* to deceive the Commission. There has been a good deal of imputation and it is very painful to me."

A. Lawrence Lowell was an international and constitutional lawyer, but so far as concerned criminal trials he was a complete novice; yet he would show William G. Thompson how to handle witnesses, and did so. He took charge of the procedure, as he had done with everything all his life. He had a tremendous notion of his own powers, and was not there to have anybody tell him anything. His purpose was to protect the institutions of New England, now under attack by vicious radicals. The impulse to support those in authority was as automatic in this university president, as ever it had been in any of his stern forbears who had carried a hickory staff at divine worship, and cracked the knuckles of the inattentive and the polls of the somnolent. (Judge Grant often nodded at these hearings, but that may have been a device, of course.)

When "Web" Thayer made his appearance at the doors of the executive chambers, to render an accounting of his stewardship, every other person was immediately ushered out, and no

one but his three fellow club-members asked him any questions, or heard his answers. Did he say why he had misquoted the Sacco-Vanzetti record in his decisions, or how he had come to invent and to cite bogus testimony? Did he admit that he had referred to his victims as "anarchistic bastards"? Did he admit that he had called them "sons-of-bitches"? The record of the hearings was silent on the subject.

When Fred G. Katzmann appeared, and Thompson tried to cross-question him, and pin him down as to some of his actions which the defense lawyer thought were not quite up to standard, even for district attorneys—then it was the business of the Commission to protect this former official. They had promised him that he would only be detained one hour, and he was impatient to get away. Exactly like Rupert Alvin, he suffered from failures of memory whenever he was in a tight corner. The defense lawyers tried to get something definite on the business of Mike Boda. The police had had Boda on April 20th, only sixteen days before they had arrested Sacco and Vanzetti; yet they made a mystery out of Boda. Was it not true that he was a very small man? And did any witness at the trial describe a small bandit? Katzmann would not be trapped. "Are you asking to test my memory? Look at the record." It so happened that at this very hour, in a room immediately adjoining, the Governor was demanding of one of his visitors: "If Vanzetti was a good man, why did he associate with Boda?"

III

Too late, as usual, the friends of the defense began to acquire information concerning the members of this Commission. Robert Grant was one of the bitterest Italian-haters in New England. He had put it into a book, virtually labeling them a race of pickpockets. To a librarian in Washington he had expressed his violent opinion that Sacco and Vanzetti ought to be killed. To John F. Moors and Professor Morison of Harvard he had expressed disapproval of any one taking issue with the verdict at the trial, or with the subsequent decisions. Yet he considered that there was nothing in the way of his acting as an impartial arbitrator!

"Bob" Grant had begun life as a popular novelist in the genteel New England style. The rising plutocracy of America had resorted to his works to learn the circumstances under which toothpicks should not be used, and similar lessons in the conduct of a good life. He had been awarded a small-salaried position as probate judge, where he had displayed an unusual talent for sarcasm, and an air of being much too good for mundane affairs. He was now seventy-five years of age, and was retired from service on the bench, which left him free to pass judgment upon Italians. A frail, pathetic, querulous, old man, he sat in the stifling heat of midsummer, suffering greatly, sometimes closing his eyes—but that does not always mean that a judge is not paying heed. Judge Grant heeded with an air of boredom, of extreme suspicion, and discourtesy of a kind which does not come naturally, but has to be cultivated as a fine art. When he ventured an opinion, it was of an infantile nature. "Why, Mr. Thompson, you find everybody wrong! You say harsh things about Mr. Katzmann, who seems to be an estimable gentleman!"

The elderly judge's attitude was curiously revealed in the matter of Mr. George U. Crocker, formerly treasurer of the City of Boston, who told about the behavior of Judge Thayer. Mr. Crocker had never been introduced to Thayer, but had had the judge's acquaintance forced upon him in the University Club; Thayer had come to his table at breakfast, uninvited, and sat down and compelled Crocker to hear him scold and denounce the "arnychists," and read passages from his decisions: "There, I guess that will hold them!" Finally Mr. Crocker had instructed the head-waiter not to permit Judge Thayer to join him at table. When Mr. Crocker told the Commission about this, Judge Grant inquired, "Mr. Crocker, do I understand that you are repeating what was said to you at a social club by a fellow member of that club?" In other words, the secrets of a gentleman's club were more sacred than the lives of two wops!

President Stratton, of "M.I.T.," as it was known, was the youngest of the Commission, being only sixty-eight. He came from Illinois—a great handicap in Boston, which considers Worcester the far west. He was a physicist, and had risen by competence in science—including the science of knowing the

rich and what they wanted. Four years ago he had been taken into the sacred circle of the Back Bay, and now he would have needed tremendous moral courage to oppose a domineering person like President Lowell. A capable administrator but with no reflective capacity, his social opinions had been indicated by his banning a speaker against militarism from the Y. M. C. A. of his great institute.

IV

A. Lawrence Lowell had been born to that apex of greatness in Boston, which permits the fortunate one to be eccentric. He rode about Cambridge in an elderly high motor-car painted a brilliant Harvard crimson, and decorated with as much polished brass-work as a yacht. He carried his papers in an old green bag, and wore a coat-skirt which he switched as he walked; Heywood Broun, who had seen his figure in the Harvard "yard," wrote that he "ambled sedately to a hanging." He had a face of cold virtue, and from all persons less important than himself he exacted the most rigid conformance to propriety. He was wholly lacking in enthusiasms, and appeals to him to recognize the beauty of anarchist character froze on the speaker's tongue. He cultivated both in writing and in speaking a style which for dullness could not be exceeded in the college world. A stiff legal mind, made wholly out of precedents, he had facility and self-esteem, and could be extremely genial when he wanted something, such as an endowment. On the other hand, if a common person said or did anything out of the ordinary, he would reveal a remarkable talent for ungraciousness.

Injustice did not exist in the world; it was a delusion contrived by cunning agitators, and they were not going to fool the mighty mind of the President of Harvard University. A characteristic moment early during the hearing, when the witness Pierce, a shoe-worker who had refused to identify Sacco as the bandit, told how he had lost his job at the factory for this refusal; he was "fired," and one of the convicting jurymen had taken his place. Also another witness had lost his position for refusing to identify. "What does this tend to prove?" demanded the irritable Judge Grant. The answer of the lawyers

was, "It proves duress." Said Lowell, with contempt which took in lawyers, witnesses, and his own colleague: "Oh, don't you see, they claim this was all nothing but a frame-up."

Infallibility was his prerogative upon three different counts: as a millionaire, as a college president, and as a Lowell. There was a popular quatrain about the city of Boston, as "the home of the bean and the cod, where the Lowells speak only to Cabots, and the Cabots speak only to God." Never for an instant did it occur to this great man to doubt that he could wade into a mass of complications and determine the truth in a month. With complete insouciance he would make statements of fact about crime and criminals, which experts knew to be nonsense. "This cannot be so" . . . "they do not do that" . . . and so on.

V

The fallibilities of academic autocracy were strikingly revealed in the reception accorded to an eccentric lady who was sent over by Governor Fuller to tell her story to the Commission. Let "Tootsie Toodles" be her name—it was no less melodious. The newspapers had called her a "mystery witness," but she was no mystery to the defense—on the contrary, an open volume, ancient and much handled. She was, according to Lowell's euphemistic phrase, "not unimpeachable in conduct"; also she was an hysterical fantast. Prior to the Dedham trial, she had come to the defense lawyer, and told an elaborate story, offering to repeat it on the witness-stand. But there was some dispute about the price, and she went to the prosecution and offered to tell a story for them. She went back and forth between the two sides, until she had ruined herself with both—they realized that she was mentally irresponsible.

Ranney, the assistant district attorney representing the government at the Lowell hearings, knew all this, and admitted the woman's "not unimpeachable" record. He grinned at the scene; when the three old gentlemen were not watching, he made motions of wheels going round in his head—a schoolboy sign for an insane person. There came a former employer of Tootsie, Mr. Jackson, and the commission asked him, "What of her mentality?" The answer was, "She's twelve ounces to

the pound." President Lowell of Harvard inquired, "What does that mean?" and the witness replied, "She's not all there." The great educator enlarged his vocabulary considerably before he got through with this adventure—it was a sort of slumming expedition for him. They brought in the former chief of police of South Braintree, who said that he had known Tootsie since she was born, and she was "what you'd call a nut." But he was mistaken; Mr. Lowell would never have called any person or anything by a word of one syllable.

The three important gentlemen, looking for any sort of evidence to save the good name of their Commonwealth, received Tootsie—it would not be proper to say with open arms, considering her "not unimpeachable conduct"—but with that polished and perfected elegance which blue-blood gentlemen display to all ladies when they meet them socially. When Tootsie stood up, they all stood up, and bowed—it was like a court reception, or a Harvard commencement.

Her story was that she had known Sacco in the year 1908, when they had both worked in the Rice and Hutchins shoe-factory—he was a "laster," she said. She had seen him on the street in South Braintree on April 15th, 1920, a few hours before the crime, standing near the alleged bandit car. She heard a man whom she declared to be Vanzetti say to him, "Hurry up and finish this job. I have to be back in Providence at three o'clock and dig clams."

There were slight errors in this story. It wasn't Providence to which Vanzetti had to get back; they don't dig clams in Providence, so it must have been Plymouth. Also it was a slip about Sacco having been a "laster" in the Rice and Hutchins factory in 1908, for in April of that year he had landed in America, a lad of seventeen who had never seen a shoe-factory. He had gone to work carrying water to laborers in Hopedale, and it wasn't until four years later, after his marriage, that he had learned shoe-work.

All this, of course, was known to Thompson, and he set out to establish it. His first question was: "What time did you say that Sacco first worked in the Rice and Hutchins factory, what year?"

And Tootsie, who knew what he was driving at, started up

and began to scream. "What is the idea of my coming up and talking with you when I come in here to-day to have my character overhauled? Has my character got anything to do with what I saw and what I heard?"

Said Lowell, majestically: "You will oblige the Committee by answering questions. We won't allow your character to be assailed."

Said Tootsie, louder yet—so loud that for the first time the newspaper reporters could attend the sessions through the tightly closed doors: "My character is just as good as yours, or Sacco's or Vanzetti's, or any of that gang that you have got down there and what they do. I will not allow my character to be overhauled."

Said Lowell: "Nobody is overhauling your character."

Said Ranney, the assistant district attorney: "Answer that question."

So Tootsie replied: "1908." She added: "If I am wrong I will say I am wrong." Even the members of the Commission smiled at this. But their appreciation of it was superficial; they could hardly be expected to realize that Tootsie, entirely by accident, had provided the best summing up of the Boston Brahmins to be found in the literature of the world. If I am wrong I will say that I am wrong! But don't *you* dare to say it!

For an hour Thompson read passages from Tootsie's earlier statement, inconsistent with the story she was now telling; and always her answer was that the stenographer was crooked and had written the wrong answers. She became more and more excited, and screamed louder and louder, until Lowell stopped the proceedings, and Judge Grant, greatly agitated, toddled across the room, exclaiming, "I will get her a glass of ice-water." He trembled so that he poured a part of it down her neck.

Ranney came out of the room disgusted, and told the reporters that Tootsie was "so loud" and "so unreliable" that Katzmann had refused to use her, for fear she would "break up the case." So the reporters for once had an "inside" story. They published it, to the annoyance of the Commission, and also of Tootsie. She read, and set out forthwith for the office of the Boston *Post,* a perfectly respectable capitalist news-

paper, strongly Catholic. She interviewed a reporter, and told him that the stories were all wrong, that she believed Sacco and Vanzetti to be quite innocent of the crime of which they had been convicted. The person she had seen in South Braintree was the brother of a friend of hers, who happened to look like Sacco. The *Post* published this correction; and the defense produced the *Post* report before the Commission, to prove what had happened.

The lawyers for the defense naturally took it for granted that the absurdity of the whole affair was obvious. But when the report of the Commission appeared, they discovered to their consternation that the three elderly gallants had accepted Tootsie Toodles as one of their reasons for sending Sacco and Vanzetti to the electric chair! Said the greatest man in Massachusetts, and therefore in the world:

"The woman is eccentric, not unimpeachable in conduct; but the Committee believe that in this case her testimony was well worth consideration."

VI

Two things the three elderly gentlemen desired ardently to do: one, to prove that the defense at the Dedham trial had hired perjury; the other to break the alibi of Sacco in Boston on the day of the South Braintree crime. Everything which they did upon their own initiative was directed to these two ends; and it was only while this was going on that they failed to be impatient and bored. They had laid down the program that they would themselves summon no witnesses except the members of the jury, and Messrs. Katzmann and Thayer. But in the midst of the proceedings they suddenly forgot this rule, and without warning to the defense lawyers summoned to the State House two Italians, Bosco and Guadagni, who had testified at the Dedham trial that Sacco had had lunch with them on the day of the crime.

The Italians were asked to repeat their story, which owed its certainty as to date to the fact that it was the day of a banquet given to Williams, editor of the *Transcript*. Guadagni, a socialist, had been rebuked by Sacco and the others for proposing to attend an affair in honor of a militarist. Guadagni

was the orator whom Cornelia had met during the Plymouth Cordage strike, a friend of Vanzetti's from the beginning, and original organizer of the defense committee; he had become one of the editors of an Italian daily paper, *La Notizia.* A ruddy-cheeked little man with sharply-pointed black beard and mustaches, speaking English with an accent, he told the three great gentlemen of the Governor's Commission what he remembered; and then to his astonishment he became the object of a persistent attack by the President of Harvard University, who thought he had the Italian trapped in a fraud. Ten days previously Lowell had consulted the files of the Boston *Transcript,* and found that there had been no banquet to Williams on April 15th; he had consulted the files of the *Gazzetta del Massachusetts,* an Italian weekly, and both papers agreed that the banquet to Williams had been on May 13th. Williams, now in Washington, had been consulted, and agreed that that was correct.

An unhappy moment for the two lawyers, Thompson and Ehrmann, representing the Sacco-Vanzetti defense in its later stages. They had had nothing to do with the Dedham trial, and if there had been any "framing" of witnesses, they did not know it. They had received no warning in this matter of Bosco and Guadagni, and so, of course, they were helpless. "Might there not possibly have been two banquets?" suggested Thompson; but Lowell waved that inept suggestion aside with a peculiar little gesture of the hand, a series of quick motions, characteristic of him. "Do not disturb the operations of this mighty brain," it seemed to say. Aloud he replied, "No, no, no, it cannot be. I have investigated the matter." The lawyer, greatly distressed, turned against his own witnesses, saying that Mr. Lowell was a man of honor, and the witnesses should admit the whole truth.

A trying situation for two humble self-educated strangers, there in the stately executive chambers under the golden dome. Said Guadagni: "If I am not crazy, there was banquet on fifteenth April. If I not tell truth I go jail." He insisted that he would find a record of it, and Lowell waved him aside with a gesture of disgust; all these wops were alike, there was no truth in them. "Very well," said he. "Bring the record to-

morrow morning if you find it." And the pair went crestfallen away.

VII

But next morning early they turned up at the law office of William G. Thompson, staggering under the weight of an enormous tome, the bound volume of Guadagni's daily paper, *La Notizia,* for the year 1920. They laid it on the lawyer's desk, open to the issue of April 16th, and translated word by word a half column account of the banquet to Williams on the previous day. The dinner had been a humble one, and the report said, "A more formal dinner will be given." The two lawyers, who had been sunk in the depths of despair, now suddenly felt like schoolboys. "This saves the men!" exclaimed Thompson. "This is our case right here!"

The two middle-weight Italians, assisted by Gardner Jackson, lugged the huge tome to the State House with the golden dome, and sat all morning outside the tightly shut white doors. It happened to be the two-hour session with Tootsie Toodles, and they listened to the comedy, and shared the hilarity of the newspaper reporters. When Tootsie rushed out, screaming, they were ushered in, and the tome was spread out on the council table, and Guadagni offered to translate it for Lowell—thereby giving offense, and being informed that the president of Harvard University read Italian fluently. There was a long silence while the three gentlemen read, more or less fluently; and finally the President of Harvard University turned from the reading and shook hands with the two Italians. "Gentlemen, I was under an impression which I find was mistaken. I apologize."

A stirring scene: the greatest man in Massachusetts, and therefore in the whole world, apologizing to two wops! What more could two wops want? Or two lawyers? Thompson advanced the idea that the Commission should make some acknowledgment of the fact that the alibi had been established. Trying to make something out of the incident for Sacco and Vanzetti! But the great academic brain saw the ruse. That would come in due time; that was an affair for deliberation. Lowell did go so far as to say that he would give to the

Governor an adequate account of the evidence produced. But for the rest—no publicity! More quick little waves of the imperious right hand. He reminded them sternly that they were under pledge not to report anything about what happened at these sessions.

Silence! Never so long as time endures must the populace know that the University President of the Blue-bloods has been humiliated!

Some time later the defense got their copy of the stenographic record of what had taken place, and they discovered thirty-two pages of the attempt of Lowell to break down the testimony of Bosco and Guadagni, but not a single line about the apology he had been compelled to make! No reference to the dialogue that took place, nor to the argument of defense counsel! There was a brief parenthetic note to the effect that Bosco and Guadagni had brought in the files of *La Notizia,* but not a word to show that the alibi testimony had thereby been restored to credibility!

So was Joe Randall justified of his statement to Cornelia Thornwell, "Your dolly is stuffed with sawdust!" Of his prophecy that the haughtiest and most righteous blue-blood gentlemen would "doctor the record," exactly as "Web" Thayer, the vulgarian, had done! When Cornelia heard that story, and got the full significance of it, she went away to her own room, and sank down upon the bed and sobbed. It became a sort of prayer: "Oh, God, let me die! Take me away! I am a fool, and all my people are fools!"

VIII

In the meantime, through this hot month of July, Governor Fuller was continuing the hearings in his own chamber in the same State House. "I feel myself obligated to hear anybody they send"—so he declared; and several times each week he motored up from his summer-home, escorted by two police cars. The witnesses would file through his rooms, and then go away in silence; a régime of secrecy modified by rumors and whispers. If the witness was one who had testified at either trial, the reporters would look up the previous testimony, and say that the witness had told that same story to the Governor.

If the witness had said anything new that was injurious to Sacco or Vanzetti, the reporters could get it in a round-about way. Otherwise they would call it a "mystery witness."

Each day the Governor's impatience grew, and the pretense of impartiality wore thinner. Ladies of refinement who had attended the Dedham trial had the disagreeable experience of talking with a man who made perfectly evident his belief that they were lying. Witnesses who had one definite thing to tell would be challenged to tell some other thing, and humiliated because they could not do it. Robert Benchley, one of the editors of *Life,* came from New York to make statements about the ravings of Judge Thayer at the golf-club of Worcester; to his surprise he was challenged to point out one passage in the entire record indicating that the trial had not been a fair one. Since Benchley had never seen the record, he was "stumped", like everyone who interviewed the Governor. But he took the Governor's advice and studied the record; and then he took the trouble to write the Governor a letter, pointing out many passages indicating unfairness. Like everyone else who did this, he got no response.

Still stranger the experience of John J. Richards, lawyer of Providence, Rhode Island, who had been United States marshal during the war, and had arrested the Morelli gang, and had them all sent to prison. He received a telegram requesting him to call on the Governor of Massachusetts, and he came, at his own expense. He was asked, abruptly, "What do you know about the Sacco-Vanzetti case?" He replied, "I know nothing." Said Fuller, triumphantly, "I thought so!" Richards naturally wondered why he had been invited, and suggested that possibly it might be because of what he knew about the Morellis and Madeiros. Said the Governor sharply, "That matter is closed. The Madeiros confession is an invention." Then he proceeded to cross-question his visitor: "Are you in the employ of the Defense Committee?" Said Richards, much startled, "I am not. I know nothing of such a committee."

Here was a former officer of the law, explaining what he believed was the truth; and the supersalesman received him as a suspected criminal. "What do you know about the South Braintree crime? Why did you wait six years to come around and tell about it? Have you ever been in South Braintree?

How did they get you in on this Madeiros thing?" And so on.

Mr. Richards came out from under the golden dome in something of a daze, and went to Ehrmann's office. Rosina Sacco happened to be there—tormented little woman, drawn and haggard, with her daughter Inez, six years old, born after her father's arrest. Richards listened pityingly while she voiced her hopes in the Governor; afterwards he said to the lawyer, "You might as well shut up shop. Those men are as good as dead now. Fuller has no intention whatever of considering the evidence on their behalf."

IX

An author had written from California to the Governor, pleading with him to go and meet the two alleged bandits, and judge their characters. It was the author's idea that no one could encounter the soul of Bartolomeo Vanzetti and consider him a bandit. But the owner of the Packard Motor Car Company of New England would show the author a new line in souls. One morning the Governor left the State House, and stepped into his car with police-officers, and sped away without warning to Charlestown Prison.

Bart and Nick, as the sentences now stood, were to be executed on August 10th, and were both in strict confinement; the little walk across the prison yard which the prisoners got out of this interview was their first glimpse of daylight for nearly a month. Both of the men were on a "hungry strike"; they were going to starve themselves to death, as protest against the secrecy of the Governor's hearings. But modern labor and suffrage agitation has established in the minds of wardens and jailers the fact that human beings do not die of starvation for a long time. Bart, on his seventh day of a fast, was able to walk cheerfully across the prison yard to the warden's office.

The Governor and the wop sat down together—no other witness. But later on, of course, Bart told his friends about it. The Governor had a question firmly fixed in his head, and which he used as a means of "stumping" witnesses: "Why did not Vanzetti take the stand at the Plymouth trial?" He now asked this question of Vanzetti. Since the answer involved the

whole story of Vanzetti's radical beliefs, and his relations to lawyers of Catholic and capitalist mentality, he was still answering at the end of an hour.

The Governor had to leave then, because Lindbergh had come to Boston. The Governor was due at a reception, but he promised to come back and hear the rest of Vanzetti's answer. He made his escape through the warden's home, running quickly to avoid the picture-snapping newspapermen. They reported that he seemed greatly flustered; he knocked off his straw hat while jumping into his car. Could it be that a rabid anarchist had said something to offend the sensibilities of the owner of the Packard Motor Car Company of New England? A picturesque story, of which the newspapers would have made much more, if there had not been the flying colonel, and also a million dollar prize fight to be featured the next morning!

The great man came again, and talked with Vanzetti for two hours. Like all salesmen, he had learned to be agreeable; he wore his fixed professional smile, and shook hands with Bart at least ten times, so Bart declared. That a man could "smile and smile and be a villain still" was a thing not dreamed of in the philosophy of Bartolomeo Vanzetti, and he poured out his heart, and explained his ideas—he took the matter so seriously that he wrote a long letter adding things he had overlooked. Bart told his lawyers he was sure the Governor would not execute a man to whom he had behaved with such great courtesy. And the lawyers also found the Governor's manner encouraging. Said His Excellency, genially, "I wanted to tell Vanzetti to eat!" And again, "Isn't Vanzetti an attractive man!"—it might have been a schoolgirl instead of a supersalesman.

His Excellency also summoned Sacco to the warden's office, and tried to have a conversation; but this did not come off so well. Sacco was polite, but not to be taken in by supersalesmanship. The conversation, relieved of Italian dialect, ran somewhat as follows:

"Sacco, I want to have a talk with you."

"There is nothing for me to say."

"But I want your version of this matter."

"I have not asked for a pardon."

"But I would like to hear your story."

"What is the use? You have your tendencies, and you could not see mine."

"What do you mean?"

"I mean that I am a poor man and you are a rich man, and we have nothing in common."

"But I was a poor man once. I worked in a rubber shop at seven-fifty a week."

"Yes, but now you are a millionaire, and your money thinks for you. I have nothing to say."

So the interview ended. Sacco was very gentle about it, and afterwards he became a trifle remorseful. He said, "I didn't treat him right. He outdid me in courtesy. But I wanted him to know the truth. He won't see it the right way, and why should I let him fool himself?" Sacco was the man with a formula; and for once the formula happened to fit.

Also the Governor summoned Madeiros to the warden's office; and here was the supersalesman handling a different line of goods. Madeiros had taken the burden of the South Braintree crime upon himself, and thereby put the ruling class of Massachusetts in an uncomfortable position. Naturally, they would pay a price to get out of it. Said the Governor—if the story of a prison employee may be credited:

"Madeiros, I understand that you are sore because you didn't get a square deal from the government."

"Yes, sir, that is so."

"The district attorney double-crossed you, I understand."

"Yes, sir, he did."

"Well, if that is so, I might do something for you. Of course, there is nothing in this South Braintree story of yours."

"What I told about South Braintree is the truth."

"Oh! In that case I won't do anything for you. You are guilty of two murders!"

X

On the 25th of July the Lowell Commission heard arguments of counsel. For five hours William G. Thompson analyzed every aspect of the case, and if his speech could have been listened to by the thinking people of America, it would have saved the lives of his clients. But the speech was heard only by three

elderly autocrats, one of whom had a tendency to appear to be dozing, while another had great respect for what the third was thinking. We may imagine the third thinking as follows: "You are an able lawyer, and are performing an intellectual feat, but I do not need you to tell me what to think."

Not all the evidence in the Sacco-Vanzetti case had been discovered; the defense would keep on finding it, up to within a few hours of the execution. But most of it was now available, and it seemed as if the Great Novelist who makes up history had been concerned to take every item of evidence produced by the prosecution at the Dedham trial, and wipe it out by a later discovery. Even to that cap picked up at the scene of the crime, which the district attorney had striven so hard to fit onto Sacco's head, and which "Web" Thayer had striven so unjudicially to force a witness to identify as Sacco's!

The main point about this cap had been that it had holes in the lining, and the "theory" was that the holes had been due to Sacco's habit of hanging the cap on a nail in the factory. There had been a great amount of testimony on this point, and Katzmann had made the most of it in his speech to the jury. In his later arguments before Thayer he had gone so far as to say: "that alone was enough to warrant the conviction of the defendant Sacco." The issue had been carried to the Supreme Judicial Court, and made the subject of a special ruling; after which Judge Thayer had made both cap and ruling the subject of special emphasis. In rejecting the last bill of exceptions, he had summed up the proposition as follows:

"In the lining of that cap there were nail-holes, which the Commonwealth claimed were made by the nail upon which this cap had been hung. Now the Supreme Judicial Court has said, in the decision of these cases, that that evidence was competent, because it tended to prove that that cap belonged to Sacco; and if the jury should find such to be the fact, then Sacco was present at the time of the shooting."

Such had been the word of Supreme Justice on the matter of a ragged and dirty "pepper-and-salt" colored cap with earlaps! A man's life had depended upon it, and depended upon it still! And now, before the Lowell Commission came ex-Chief of Police Gallivan of South Braintree, telling the true story, never before revealed. The cap had been handed to him by the

shoe company superintendent, and the chief had carried it under the seat of his automobile for at least ten days, possibly twice as long; he had made the holes in the lining, while looking for some mark of identification; then he had passed the cap on to police officer Scott; and neither Gallivan nor Scott had been put upon the witness-stand, to tell the jury how those holes had come to be!

Why Chief Gallivan had been passed by as a witness for the prosecution was obvious enough—he was too plain-spoken a man. To the Lowell Commission he summed up the Dedham trial in one pungent formula; and if the three old gentlemen had thrown out the whole record, and confined themselves to Gallivan's one formula, they would have earned the thanks of posterity. Said the Chief: "The Government would put on a witness and then the defense would rush in to offset it, and I guess Katzmann was just as wise; he would dig up one to offset him. The case appeared to be to see who could get the biggest crowd. In other words, to see who could tell the biggest lies."

XI

Also the matter of Vanzetti's revolver, which was supposed to have belonged to Berardelli, the slain paymaster. According to the "theory," Berardelli had dropped it, and Sacco had picked it up, carried it off, and given it to Vanzetti. There was no evidence that Berardelli had had his revolver with him at the time of the shooting—he had taken it to a repair place, and there was no record to show he had got it back. No one had seen him with a revolver at the time of the crime. The sole basis of the "theory" was that Vanzetti's revolver happened to be of the same make as the one Berardelli had owned. The prosecution had put on the stand an expert from the factory, who had been a former federal agent, and had led the jury to believe that he thought the two revolvers were identical. But now, before the Lowell Commission, he admitted that he had felt prejudice at the trial, and that his testimony had been misconstrued. Said the witness Lincoln Wadsworth:

"But I have felt that I had created the impression that there was a possibility that that was the pistol. Well, that is just a possibility. . . . There is just the one possibility in the num-

ber of pistols a factory of that kind happens to make. There was no distinguishing number so that you could tell that that was the pistol."

The witness went on to tell about his interviews with the assistant district attorney, and how the latter had failed to be interested in having the truth made clear:

"But Mr. Williams did not seem to want to have that at all, so that I just let be on it. And then in the court-room I felt sure I would have a chance to say the same thing that I have said here, but when the time came to be cross-examined I simply was not, that was all, and I went down on the records, as I thought, and still think, that while not a direct statement that that was the pistol, it might lead to the impression that that was the pistol." And then, summing up the whole matter: "There are thousands of times more chances that it was not than that it was."

So it went, with detail after detail; impossible to find a single one that stood the test of time! Every one of the prosecution's "star" witnesses was ruined. Mary Splaine had told Henry Hellyer twice that she did not see the faces of the bandits, and the detective had written it down at the time—for use of the shoe company and the insurance company, and their allies, the police and the district attorney. Goodridge was a horse thief, his very name a perjury; he had sent two men to the electric chair to escape a jail-sentence, and the district attorney and the judge had refused to allow this to be brought before the jury. Pelzer had told many persons that he did not see the bandits; so had "Fainting Lola" Andrews. Both of them had made affidavits to this effect—and then taken them back, so that you might believe them either way, or neither.

Not one rag of evidence to cover the naked prejudice of three elderly autocrats! The collapse became so complete that it was a matter for jesting; there was even a haberdasher, to visit the prison and measure the left hand of Sacco! Mary Splaine had based her identification of the bandit upon his "good-sized left hand"—seen at a distance of eighty feet for a period of one or two seconds. Now came the haberdasher, testifying that Sacco's left hand was smaller than normal. Governor Fuller's way of meeting that detail was to take Mary Splaine out on the street and invite her to describe a man in an automobile at the proper distance. But, alas, he did this in

front of the State House with the golden dome, and there was not any cobbler-shop to cut off Mary's view at the end of one or two seconds; nor was Mary up in the second story, looking down amid the wild excitement of a bandit raid, in imminent peril of shots.

There had been a million words of the Dedham trial testimony, and few persons had ever digested it all; Cornelia Thornwell, who had been studying it for six years, knew how hard was the task. Certainly the Dedham jury had not done it, much as they might assure the Governor and his commission that they had given a fair trial. Certainly the Governor had not digested it, for when you referred to witnesses by name, Mary Splaine and Lola Andrews were about the only ones he could remember. Certainly the three old gentlemen had not done so, for they made pitiful slips and asked helpless questions. But now came a great lawyer, William G. Thompson, having sat up nights with those volumes for several years, and presenting to the Commission a summary of their contents.

For example, a study of Sacco's sartorial career in South Braintree on the 15th of April, 1920, as presented by the government witnesses. At half-past eleven Lola Andrews had talked with him lying under an automobile, wearing a dark suit. Five minutes later, a hesitating witness thought he had seen him in front of a drug-store, dressed "respectably." Less than an hour later, according to another uncertain witness, he was smoking a cigarette in the depot, wearing dark "ordinary wearing apparel" and a soft black hat. When he actually shot Berardelli, he had changed into dark green pants and a brown army shirt, according to Pelzer. A few seconds later, he passed within Mary Splaine's vision, having changed to a gray woolen shirt, and wearing no hat or coat at all; but having lost a cap at the scene of the murder, although he had made his first appearance in a soft felt hat. A few yards further on, Sacco had resumed his dark suit—if one could believe the witness Goodridge.

There were many thousand words like that in Thompson's argument; and who could dispute the lawyer's final statement, that Sacco and Vanzetti had "never had the kind of trial required by English tradition and by American constitutional law as a prerequisite to taking away their lives"?

XII

Anguish in the hearts of all friends of the defense; they knew that the decision was going against them—even while they would not admit it to themselves. Pitiful the plight of hard-working and law-abiding lawyers, who had made all the proper moves, and won the chess-game a dozen times over—and now their opponents would dump the board and throw the chessmen into their faces! While Vanzetti sat in his cell and wrote memories of his mother, and Sacco composed a farewell letter to his son, men and women whose hearts were too tender for this grim world thought up frantic new schemes to move public opinion, and raced about like ants in a nest which has been stepped on.

Jessica Henderson motored Cornelia Thornwell to New Haven, where lived Mrs. Berardelli, the widow of the slain guard. With them went Musmanno, and a Mrs. Florence, who had testified at the Dedham trial, that Mrs. Berardelli had said to her that the hold-up would never have succeeded if her husband had had his gun with him. (It was the gun Vanzetti was supposed to have picked up after the murder.)

The group now appealed to the woman's sympathies, and she agreed that it would not help either her dead husband or his widow and orphans to take the lives of two men who might possibly be innocent. She consented to send a telegram to the Governor, appealing for clemency. "Write it now," said Mrs. Florence; but the woman said for Mrs. Florence to write it, she would be satisfied with whatever they sent. So Mrs. Florence and the party drove to the nearest railroad depot, and wrote a message and sent it, and it made a front-page story in the newspapers next morning.

But it took the enemy only a few hours to counter that move. They came to the woman and frightened her, and the Boston newspapers carried a story to the effect that the telegram had been sent, not by Mrs. Berardelli, but by an unknown woman from a railroad depot. The ladies made another trip to New Haven—but only to discover that Mrs. Berardelli wouldn't "have anything more to do with it." Returning to Boston, the ladies called upon the Associated Press representative, explaining the circumstances, and asking him to correct the error.

The response of the Associated Press was to put on the wires all over the country the statement that Mrs. Berardelli declared she had never seen the telegram which had been sent in her name. It happened to be strictly the fact; but it wasn't quite the truth!

Edward Holton James was a New Englander of the old sort; he lived in Concord, just across the field from the home of Emerson, which possibly had affected his mind. He was a nephew of Henry James, the novelist who wrote like a philosopher, and of William James, the philosopher who wrote like a novelist. His wife was a Cushing, and wealthy, so he had everything that a citizen of Concord could have to make him respectable; but it didn't keep him out of jail.

Mr. James had spotted certain flaws in the "theory." He had noted the fact that the so-called "bandit-car" with the bullet-hole through the door had been in the hands of the police for hours before any of the numerous examinations had revealed the conspicuous bullet-hole; also he had measured the "Coacci shed," and proved that you couldn't drive two cars into it, as the "theory" required. Now he went down to South Braintree to reproduce the events of the hold-up, and prove that some of the witnesses could not have seen what they claimed. But the selectmen of South Braintree were not going to let the streets of their town be used for Bolshevik propaganda if they knew it, and they arrested Mr. James, in spite of both his ancestry and his money.

And then a little later Beltrando Brini had a bright idea: if the story he had told at the Plymouth trial was fiction, then he was a perjurer. He had told the story to the Governor, and had not been believed; so he drafted a letter to the Governor, asking to be arrested, and he took it about among the other alibi witnesses, and fourteen of them signed it, including Bosco and Guadagni, the two editors. Trando delivered it at the State House, and when no policeman came for him, he went back, with his mother and half a dozen of the other witnesses. It was near the end of the case, and the corridors were crowded with detectives and secret service men, with swarms of reporters—a sensational scene. The Governor was not in, said the secretary; and took the youth off into a room by himself for a "grilling." Who had sent him, and what was this scheme

for publicity? "This hurts you more than it helps." And when Trando undertook to explain, "Don't try to make a stump speech; the place for that is the Common."

Said Trando, "I tried to speak on the Common yesterday, and I was stopped."

"Don't try to be a hero!" sneered the secretary. Heroes were not wanted at the State House, and Trando could not get arrested. Too bad he did not know about the room full of booze in the cellar! If he had told about that, he might have got his desire. As it was, he went away with tears in his eyes, his mother sobbing on his arm.

XIII

And yet there were moments of hope. Impossible to believe that a great business man and statesman could be such a hypocrite! Members of the defense committee came to see him, having heard the wild rumors, started from the State House, as to the millions that had been raised and expended for bribes. They offered to put their records at the disposal of the Governor; they had raised some $325,000 in seven years, and had vouchers for it all—bundles and bales of them stacked in a closet. Gardner Jackson and Mary Donovan had worked for nearly two years without a cent. The Governor was surprised to hear it—he had been given to understand that they got fifty percent of every thing they raised. Little Joe Moro, the secretary, had worked for thirty dollars a week, and the only other wages paid in the office were for typists. The Governor was cordial, he seemed to like Joe immensely, shook hands with him several times—he was a good fellow, and everything was all right, don't worry!

But that was in the privacy of his office, the tricks of a supersalesman; molasses catches more flies than vinegar. Publicly the Governor said nothing, and the rumors continued to fly. Professor Frankfurter had got fifteen thousand dollars from the New York *World* for writing an editorial; he had got one hundred and fifty thousand from the committee for writing the *Atlantic Monthly* article. The very dignified editor of the Springfield *Republican* was accused of having received twenty thousand dollars from the committee for one famous

editorial. The "State House crowd" lived in such an atmosphere of cash payment that they could not imagine how gentlemen felt about such matters.

Also they lived in an atmosphere of terror. It seemed as if there were as many detectives as real workers under the golden dome. Assuredly, there were more spies than there were friends of the defense; one of them put on a Windsor tie and got himself regularly arrested with the pickets. Every one who had anything to do with the case was shadowed; servants would be offered money for the contents of trash-baskets. All officials having to do with the case, the Supreme Court judges and later on even the jurors, had guards on their homes day and night, and wives trembled every time their husbands went outdoors.

There was fear; and there were newspapers printing headlines and selling editions, making every bomb-scare into a gold mine. Relatives of the Johnson family, the garage people who had testified against Sacco and Vanzetti, had had their rear porch blown up while they were in bed. That made a newspaper story, and helped to damn Sacco and Vanzetti. The police decided that it was a bootleggers' quarrel; but that fact was not revealed—the bootleggers being such liberal paymasters of the police. A threatening letter was mailed to one of the witnesses, and this turned out to be a prank of some boys; the newspapers published the letter on the front page, and never published the true story. Such is journalism, which lives upon sensation, and prints its enormous editions with blood instead of ink.

XIV

The Lowell Commission had finished its hearings and retired into privacy to deliberate. But meanwhile the Governor went on hearing witnesses. They streamed through his office, as many as thirty in one day; all sorts of persons who claimed to have information about the case. Many came secretly, and went away, their names known only to him; they whispered into his ear, and he was supposed to sort out truth from rumor. A hundred times over, in conversations and arguments, he would show that he could not do it, that he had, in fact, no idea of the difference. "Why, I heard it right here in this room!" he would say; and that proved it true.

On the other hand, impossible to satisfy him with any evidence that proved what he did not want to believe! He had got his mind fixed on the Bridgewater conviction, which would prove Vanzetti an habitual criminal. You pointed to Vanzetti's eighteen alibi witnesses, all decent working people, and the Governor would find it suspicious that they talked so much about eels. "But where is the express receipt showing that he got the eels?" The case seemed to hang on that, so the defense set out to look for express records in Plymouth. They discovered that the records, nearly eight years old, had been destroyed. Incidentally, they discovered that a state detective had already made an investigation, and ascertained that they had been destroyed.

They decided they would outwit him, even so. They would look for the receipts of fish-dealers who had sold the eels. Herbert B. Ehrmann, junior counsel, went to consult Vanzetti in Charlestown prison. It was hard for him to remember—he had been accustomed to buy fish from several dealers in Boston. The lawyer went according to his vague description, with Felicani for translator; they hunted at the "fish-pier" in South Boston, but found no one who remembered selling to Vanzetti. Joe Randall got another Italian—two gangs searching. At last, after visiting seven Italian fish-dealers on Atlantic Avenue, the "Guinney market," they found one who said that "B. Vanzetti of Plymouth" had been a customer of his. Had he any records? For a year or two, yes—but seven years, eight years—no, no, giammai! He had changed his partnership in the meantime.

But they argued—could they make a search? The life of two compatriots might depend on it! Yes, there were old papers up in the loft. So up they go, among dust and cobwebs, with an electric flashlight. Old boxes of papers, in bad Italian script—sheafs of loose ledger leaves, but the earliest date is January, 1920. "For God's sake, haven't you got any before that?"

The Italian has got interested—it is a story! "There's an old case, maybe stuff in that." A big box shoved under the rafters, tightly nailed up. "Must have a hammer to open it." Stacks and stacks of old papers: and among them blocks of American Express Company receipts, signed by the expressman, day by day as he called for shipments. And the dates—here are some for 1919—and here is December, 1919! And in the middle

of the block, one reading: "B. Vanzetti, Plymouth, one barrel eels!"

Hurrah! We have it! We have them licked! The date is December 20th, which was a Saturday, the very date Bart claimed the eels had been shipped, to be sure to reach him on Tuesday, and got ready for selling the next day! And they are live eels, so the dealer says, you can tell that by the weight of the barrel! Dead eels would be heavier!

Young fellows dancing in a dusty loft! Our wops are saved! They go back to the office with shining eyes. They go to the Governor's office. "We have found the evidence the Governor asked for." This to the private secretary—the Governor himself is busy. "Indeed?" says the secretary. No shining in those hard eyes! "When are you going to stop bringing evidence?"

They will not trust the precious papers to him, but insist upon seeing Wiggin, the Governor's counsel. Then they go away, and wait—and nothing happens; the next time they see the Governor, they mention the matter, and he says, "What does that prove? What evidence is there that Vanzetti ever received the shipment? I understand that the eels were never claimed; they were frozen in the depot."

Says Joe Randall, gnashing his teeth: "It is like that fairy-story we used to enjoy when we were children—how the little tailor wooed the king's daughter. 'Go slay me the dragon,' says the king—so the hero goes and slays the dragon, and comes back, but he doesn't get the king's daughter. 'Go slay me the three giants,' says the king—so he goes and slays the three giants, and comes back, but he doesn't get the king's daughter. 'Go slay me the man-killing boar,' says the king—and the longer the story, the more fun it is."

XV

The supersalesman had evolved a regular set of formulas, by which he challenged the witnesses who came to him. Of Italians he would ask: "Are you an anarchist? Are you a friend of Sacco or Vanzetti? Are you a member of the committee? Have you any friends on the committee? Who sent you here?" To

be "sent" was a sinister thing, a sign of an elaborate conspiracy in operation.

For Americans the procedure was more subtle. The first question was: "Have you read the record?" If you answered "No," then you were disqualified. The Governor had read the record, so he said. If you answered, "Yes," the question would be, "Where did you get it?"—for the defense had only two transcripts of the full testimony, and two or three copies of the "bill of exceptions," usually called "the record." If you were able to convince him that you had had access to any of these, he would say, "Have you interviewed the witnesses?" And of course that would "stump" you; how could any one interview the witnesses, when the lawyers for the defense couldn't even get the Governor's secretary to give them the names and addresses of the witnesses? You would answer, "No," and the Governor would reply, "Well, I know about this case, and you don't."

All that mass of complications—a million words of printed testimony, and many times that much spoken into one human ear—and he really thought he could carry it all! Serene, even jaunty, he would come into his office, wearing his automatic smile, and greeting the reporters, "Good morning, boys, a fine day!" He did not ask for help, and gave no thanks when it was offered. Hjalmar Branting, a lawyer from Sweden, son of the prime minister, came over to study the case, and devoted a month to it, becoming certain that the men were innocent. He was granted an hour, and the Governor spent five minutes talking about Sacco and Vanzetti, and the rest talking about the market for automobiles in Sweden. A thrifty supersalesman, making hay even while the thunder rolled and the lightning split the sky!

The floods of mail poured in. Trucks came, bringing masses of petitions; some thirty packages, registered, from France, representing three million signatures, patiently collected at workingmen's meetings. They were burned in the basement furnaces, at night, when the heat would not be troublesome. Messenger boys brought telegrams by the bundle; they were sorted out, one kind for the newspapers, the other for the fires. Said the private secretary: "Everybody wants those wops executed, except people who don't know how to spell their names." He

gave out the letter of the Reverend Llewellyn E. Darling, of Grace Evangelical Church of Everett, reporting that a vote had been taken among his Sunday congregation, and it was unanimous in demanding that the convicted men should die. "We believe," wrote this Darling Reverend, "that the source of the petitions for their release is un-American and would eventually destroy the government of the United States." Comrade Jesus, on his golden throne above, rose up and gave three cheers for the Red, White, and Blue.

XVI

Cornelia had put off visiting the State House; she would see what happened to others, and judge the best way of proceeding. Now she asked Henry Cabot Winters to arrange an interview; and he offered to go along—a notice to a politician that she was still a member of a great family, in spite of all her vagaries. The supersalesman would be polite to her, but also he would be grim, for she was a dangerous woman. He held her to blame for a great part of the publicity which this case had obtained; he had visions of her spending secretly the Thornwell millions in an effort to get her own perverse way.

Cornelia had never met him; he had been a name to her so far. Now she sat in his chamber and studied those eyes, so cold, expressionless—a curious thing, they made you think literally of agates. His face was round, his head partly bald, his costume immaculate, his smile as it were dead. He sat with his back to the window, so that in the matter of vision he had the advantage over his visitors. A large mahogany desk; a green blotter, with a few papers, a fancy bronze ink-stand, and a little state flag on a standard for patriotism. A large room, done in white, with large white doors and heavy carpet and a fireplace never used. "I guess you have seen all this many times, Mrs. Thornwell," he said, respectfully.

Yes, Cornelia had seen it. "When I was a little girl, the old home of John Hancock stood out there in front." So they talked "Boston," and perhaps she would have done better if she had talked nothing else; her social prestige was really the only thing that stood any chance. In a chair at one side sat Mr. Joseph Wiggin, the Governor's private counsel, a Har-

vard man and a blue-blood, smiling and quizzical; he would have conspired with her in that kind of enterprise, if she had put it up to him in the right, "old Boston" way. To charm an automobile salesman and persuade him to make a concession as a matter of social favor, the right of an aristocratic old lady to have her feelings spared!

Cornelia set out to tell about Vanzetti, and how well she knew him, and what a fine man he was. The Governor listened, but soon tired of it. "I haven't the time to deal with backgrounds and psychology, Mrs. Thornwell." She tried to show him what backgrounds and psychology meant. "Consider Nick. They tell us he went out and stole sixteen thousand dollars, and then came back to his shoe factory and earned thirty-seven dollars and eighty cents!" But she was rousing his male combativeness. "They had to go on working in the factory," he argued. "They couldn't have afforded to change their habits."

Cornelia was studying the bland face and the strange expressionless eyes. What sort of man was this? What motives would sway him? A business man, of a simple type, used to facing simple problems, like those of price; the proper rental for a building, or wages for an employee, easy to decide; a man of action, not a thinker. Now he had to weigh the souls of idealists, he had to estimate social forces—and they were completely beyond his comprehension. "I am a plain man, Mrs. Thornwell, not an intellectual." She had started to tell him about Bart's studies, the books she had seen him mastering by patient toil in the night; but she realized that this was an affront to a merchant of motor-cars who had been studying markets and prices. Neither would it do any good to praise the unselfish motives of the two social rebels. That, too, would give offense to the man of money. "These men who don't believe in private property must be depraved," he had said.

She told him about the two trials, and what she had learned about the various prosecution witnesses. The Governor praised these latter; "clear-eyed," was his word. Said the old lady, "Their eyes may be clear from the outside looking in, but assuredly they were not clear from the inside looking out." She told the long story of the prevarications and waverings of these witnesses, as proved by the records of the preliminary hearings, and by the Pinkerton reports. The Governor knew of

these reports now, but he did not know what was in them, and was puzzled by details. He did not even know the names of some witnesses. She spoke of Behrsin, and the Governor said, "Cursin, who is Cursin?"

But everything polite, according to good form; he heard her to the end, giving few signs of impatience. "I will give careful consideration to what you tell me, Mrs. Thornwell. I have great respect for your sincerity, and thank you for coming to see me." Bows and smiles all round, a pleasant hour—and utterly, utterly futile.

"The case is completely indigestible to him, he can't hold it in his mind." Such was the judgment of Henry Cabot Winters, legal expert, as he walked with his mother-in-law down the long marble corridors. "You have to know a great deal about it in order to know anything, and Fuller doesn't know anything."

"What will he do, Henry?"

"He'll take somebody's word for it. He'll think he is deciding, but his mind will make itself up without his realizing it. That's the way he's gone through life—landing on his feet like a cat. What I'm afraid is, he has landed already, and facing the wrong way." As he said this, the great lawyer put his arm under the old lady's, and held her steady as they walked towards his car. "It comes to this, Mother—what I said to Rupert last night: you can make a chauffeur out of a governor, but you can't make a governor out of a chauffeur!"

CHAPTER XX

THE DECISION

I

On July twenty-ninth it was announced that the decision would be given out on the third of August. That was a Wednesday, the day the Governor's council met; and this fact might have significance, because, if he were going to grant clemency, the council would have to assent. Shreds of evidence like that caused hope to rise in the balance. Rumors would come, one way or the other; the Governor had said this, he had asked that.

Joe Randall never wavered in his pessimism. "Fuller has no idea but death; he never has had it for an instant, and he never will." But some of the other newspaper men thought differently; said one: "You can't tell me that a man so happy would send two human beings to the chair!" Others had talked with members of the council, who told, in confidence, of definite statements the Governor had made. The New York *Times* correspondent sent his paper a detailed story to the effect that the Governor meant to postpone the execution, and ask the legislature to pass a special act providing for a new trial. The New York *World* had the same story; the *Herald Tribune* followed.

On the day before August third a peculiar development. Calvin Coolidge, President of the United States, was spending his summer vacation in the Rockies, catching trout with worms, and having himself photographed in ten-gallon hats and other moving picture appurtenances. He received the newspaper "boys" on his front porch and handed them a typewritten slip of paper reading, "I do not choose to run for President in nineteen twenty-eight." This economical sentence caused a thrill in the bosoms of great numbers of public men; and enemies of Alvan T. Fuller imagined that it decided the fate

of Sacco and Vanzetti. Careful newspapers like the New York *Times* and *World* do not often let themselves be fooled as in this case—so these suspicious ones argued; something must have changed the mind of the supersalesman on the night of the second of August, causing him to give up the idea of clemency. Could it have been a vision of himself, following the footsteps of "Cautious Cal" up the political ladder; sweeping the next Republican convention in a storm of enthusiasm for another hero who had "crushed the Reds"?

Whether there was any truth in this wild guess, none could say, except Fuller himself. But this much is certain, he desperately wanted that nomination; and it is interesting to note what happened in the following year, when the Republican convention assembled. The name of Alvan T. Fuller was put before the little group of rich men's agents who meet in a hotel room and determine nominations for president and vice-president. The Governor's friends set forth the heroic deed that he had done, and the storm of fervor which this deed would rouse in the bosoms of all patriots. But the politicians of 1928 remarked coldly that this was not 1920. "The Republican party cannot afford to debate the Sacco-Vanzetti case from now until the end of the campaign!" There was not a single vote for the supersalesman; and so furious was he in his disappointment that he refused to let ex-Governor Cox of Massachusetts have the nomination in his place. To Senator Butler, over the long-distance telephone wire, he said: "It will be Fuller or nobody!"

II

August third, the day of the decision. The State House press room and Governor's office were not big enough to hold the mob of reporters, and for the first time in Massachusetts history the legislative chamber was turned over to their use, and the press gallery equipped with telegraph wires. More than eighty men, like hunting-dogs held in leash, leaping and barking. The whole outside world was clamoring for every detail having to do with that scene.

The interest in the case had grown, until it was like nothing in history; great newspapers in New York, which had given

several inches to the conviction of the men, were now giving pages to the struggle for a new trial.

Somehow the working classes of all nations had come to know about this case, and had made it their own. They were listening to fiery orators, taking part in parades, throwing bricks through American window glass, setting off bombs in front of embassies and legations. To the ruling class element of Massachusetts this was a proof of the worst they had been told about world Bolshevism; it was a diabolical conspiracy against the good name of the Commonwealth, and to meet it these righteous persons summoned the spirits of their Puritan ancestors, who had withstood persecution and torture at the hands of royal despots and their priestly monitors. The louder the clamor on behalf of the anarchists, the less chance that it would be heeded—so said the stiff-necked ones.

The Governor had not come to his office; rumor had it that he was working on his decision in an unnamed hotel. Over at the Sacco-Vanzetti headquarters in Hanover street, a couple of rooms in a dingy office building with time-worn floors, there were reporters and photographers, bootleggers and poets, Italian laborers and Harvard professors, seated on boxes, bundles of papers, tables and rickety chairs, waiting, waiting. On the walls were posters in many languages, calling for mass-meetings to save Sacco and Vanzetti; one in French, signed by cabinet ministers, referring to "Calvary," which would have pleased Bart; one in German, saying "Justice is dead"; one from Mexico, saying "Freedom and Justice." Bart was right —his name had come to have a meaning!

Cornelia Thornwell stayed in her apartment, and friends came in to keep the watch with her and divert her mind. But no one could talk about anything but the decision. Now and then the phone would ring, and her heart would jump so that it hurt; when it proved to be more delay, she would sink back in her chair, feeling faint. Creighton Hill, a young newspaper-man who was heart and soul for the defense, came in to cheer her; the afternoon papers were full of hints of a reprieve; everybody was hopeful. Judge Webster Thayer was in Ogunquit, Maine, and at the Cliff Country Club that morning had made 18 holes in 84.

Waiting, waiting. Evening, and still the Governor had not

come to his office. Crowds gathered at the State House, and were driven back. The decision would be late, said the secretary. Betty, who was at headquarters, phoned to her grandmother—for the tenth time, trying to brace the tortured soul to meet the coming shock. "Joe says the brute is holding up the decision so that we won't be able to get in any answer to-night. He wants the front page of the morning papers to himself!"

So it proved. At twenty minutes past eleven at night, the last moment when it would be possible to put the text of the decision into the main editions of the big newspapers, and when there was no longer a chance that any friend of the defense could prepare a reply, or find any distracted reporter able to listen to one—at that moment the Governor's secretary appeared with a stack of envelopes, each containing seven mimeographed sheets. The reporters grabbed them, and tore them open as they ran. The word "Die" went by telegraph and cable to five continents, and in a few minutes there were "extras" on the streets in big cities, with streamer headlines across the front page: "Sacco and Vanzetti Doomed to Die"—"Sacco and Vanzetti Must Die, Says Fuller"—"Sacco and Vanzetti Guilty, and Will Die."

III

Wonderful, wonderful was the judicial system of the Commonwealth of Massachusetts, as portrayed in those seven mimeographed sheets! Throughout all this complicated and difficult case it had functioned without one single slip. The judge had been upright and impartial, the jury had been conscientious and fair, the witnesses—for the Commonwealth—had been clear-eyed and unafraid, the Supreme Judicial Court had been infallible. And now came the supersalesman of automobiles, and with his eagle eye he surveyed the procedure, seeking a flaw. Patiently he had studied every word of the record, the later appeals and decisions; he had interviewed jurors and witnesses, and made sure that everything was perfect; now he mounted the rostrum and told the civilized world about it, putting the final seal of completion upon the performance.

One after another he took some aspect of the case, and after

mentioning the criticisms of it, disposed of them in one or two majestic and final sentences. First, the jury. "I find that the jurors were thoroughly honest men . . . I can see no warrant for the assertion that the jury trial was unfair." The fact that the elderly flag-saluting foreman of the jury had said, on his way to duty, "Damn them, they ought to hang them anyway!" —that was a detail so trivial that an enthusiastic supersalesman did not bother to report it.

And then "Web" Thayer. "Affidavits have been presented claiming that the judge was prejudiced. I see no evidence of prejudice in his conduct of the trial." The eagle eye had inspected those passages in the record where "Web" had connived at the job of hiding from the jury the fact that Goodridge was an admitted thief; that had been fair. The eagle eye had seen "Web" butting in to discredit the witness Kurlansky, the shop-keeper who had failed to stop the district attorney and police from "framing" the testimony of Lola Andrews; that had been fair. "Web" had permitted the district attorney to browbeat Sacco for not knowing what was not true about Harvard College; that had been fair. "Web" had sneered seven times at the defense lawyers for claiming something which they hadn't claimed; that, too, had been fair. He had let the district attorney tell the jury that Proctor had testified something that Proctor had in fact refused to testify, and that the district attorney knew he had refused to testify; that likewise had been fair. "Web" himself had told the jury the same thing; and that had been fairest of all.

And then the appeals for a new trial, based upon new evidence that had been found: evidence of the foreman's prejudice and misconduct, of Goodridge's criminal career and perjury upon the witness-stand; the retractions of Lola Andrews and Louis Pelzer; the confession of the head of the State Police that he had conspired with the district attorney's office to misrepresent his testimony to the jury; the new evidence of Gould, Kelly and Kennedy, deliberately withheld from the defense. Said the supersalesman: "I have examined all of these motions and read the affidavits in support of them to see whether they presented any valid reason for granting the men a new trial. I am convinced that they do not."

And the judge's handling of these appeals and motions—

that, too, had been complete and marvelous perfection! Everything that he had done—including his lying about the affidavits, and saying that they said what they didn't say; his misrepresentation of Supreme Court decisions, his misquoting of testimony, his making up of passages which he said were in the testimony, but which were not in the testimony—all that had been perfect, and "Web's" motives in doing these things had been as pure as the driven snow in Boston. Said the supersalesman: "I am further convinced that the presiding judge gave no evidence of bias in denying them all and refusing a new trial."

The supersalesman pronounced Vanzetti guilty of the Bridgewater crime, and stressed the fact that he had failed to take the stand in his own behalf—although it was the perfect law of the perfect Commonwealth that he didn't have to take the stand if he didn't want to, and that his failure to do so was not to be used against him. The supersalesman was so sure that the men were guilty that he was not content to say it once, he said it twice about Sacco and three times about Vanzetti; he was so sure the trial was fair that he said it five times—and added for good measure: "The proceedings were without a flaw." He put in an eloquent description of the South Braintree crime, with emphasis upon its brutality, which made fine melodrama for the newspapers; and then he wound up in a blaze of glory, putting himself in the center of the picture, with jury and witnesses about him. "I am proud to be associated in this public service with clear-eyed witnesses, unafraid to tell the truth, and with jurors who discharged their obligations in accordance with their convictions and their oaths."

IV

Ten or a dozen persons crowded into the little living-room of the apartment adjoining Cornelia's, where lived Betty and Joe. The seven mimeographed pages had been read aloud, and passages read over again, and marked with exclamation points and question marks. Hours passed while the clamor and excitement continued. Nobody thought of sleep; impossible ever to sleep in the world again—let sleep be banished from Boston, as punishment for this atrocity! The language of some of

the younger men and women was unfit for the older ones to hear; but the older ones realized that this was a special occasion, like nothing in Boston history. The air of the room became gray with tobacco smoke, and the eighteenth amendment to the Constitution was broken, along with the laws against blasphemy and sedition; for some radicals could not stand the strain of this ordeal, any more than could the conservatives, without help from Italian bootleggers.

Joe was at his typewriter, banging away, with a green shade over his eyes; preparing a story to be put on the wires for the early editions of afternoon papers. He was making copies for other newspaper men, hoping they would get this point and that. Now and then the company would interrupt him—to make sure he had got some other point. Over at defense headquarters was another indignation meeting, and there was telephoning, back and forth, exchanging ideas and information. Quotations had to be looked up in the record, and falsehoods nailed down.

How they hated the supersalesman of automobiles—and how they raged at the trick he had played upon them, whereby millions, yes, tens of millions of people would read that statement at their breakfast tables and on their way to work—and would not get the answer of the committee until hours later, and then only in fragmentary form, or not at all! The fingers of men and women trembled as they pointed out passages of especial treachery.

Cornelia Thornwell, old-fashioned and hopelessly out of date, had notions about the dignity and honor of the office which the great Josiah Quincy Thornwell had once filled. It seemed to her that a Governor of the Commonwealth, mounting the rostrum and addressing the civilized world on an issue involving the lives of two human beings—that such a Governor ought at least to tell the truth. "Wouldn't you think he'd leave out errors that can be proved by the record?"

Said Betty, "I'd expect him to lie like Satan."

They would fall upon the seven mimeographed sheets again. Look at this! Look at that! Look at what he put in about Madeiros! "I give no weight to the Madeiros confession. It is popularly supposed he confessed to committing this crime." What did the man mean by that sentence? He didn't explain

it—he went on to state his reasons for distrusting Madeiros, but not a word about what was "popularly supposed"! The words could only mean that the popular impression was mistaken, Madeiros had not "confessed to committing this crime." Every reader would get that meaning, and no other meaning. The actual words written by Madeiros had been: "I hear by confess to being in the South Braintree shoe company crime and Sacco and Vanzetti was not in said crime."

Then, an even shrewder trick—a little masterpiece of treachery, as cunningly contrived as the Proctor evasion, and Katzmann's bogus answer to it, and "Web" Thayer's obfuscations of both! The supersalesman summed up Sacco's alibi—that he "claimed to have been at the Italian consulate in Boston on that date but the only confirmation of this claim is the memory of a former employee of the consulate who made a deposition in Italy," etc. Study that sentence, all forgers, traducers and betrayers of all future time, and learn how to smile and be a villain still! The art of falsifying while seeming to tell the truth has never been carried to a higher stage—not in any form of supersalesmanship yet devised in the great empire of superproduction, or taught in the Graduate School of Business Administration of Harvard University.

Strictly and literally, it was the truth that Sacco had produced only one witness to testify that he had been "at the Italian Consulate in Boston on that date." But Sacco had produced five other witnesses who testified that he had been *in Boston* on that date! Affe, the grocer, had testified that Sacco had paid him a bill, and Affe had produced on the stand a notebook with a memorandum of the payment, showing the date. Bosco and Guadagni, the editors, had testified to lunching with Sacco in Boni's restaurant on that day, and Dentamaro, department manager of a bank, and Williams, an advertising agent, had testified to joining the group and chatting. Still more to the point, several of these witnesses had testified that Sacco, in the course of the talk, had told them the purpose for which he was in Boston, to visit the consulate and get his passports! Oh, treachery and double-dealing beyond all imagining—first, the Lowell commission hushing Bosco and Guadagni to silence, and doctoring the record of the proceedings in order to keep the story from the public; and then the mighty supersalesman,

stepping onto the rostrum and addressing the whole civilized world, telling it that Bosco and Guadagni did not exist!

V

Cornelia lay in bed, a reaction from the long strain. The Negro maid brought her coffee and toast, but she could not eat; she lay like one dead. It was all over for her; she had done all she could, struggled all she could—so she told herself. The young people might go on, Joe might write newspaper stories, trying to rouse a heedless public; Betty might organize mass meetings and speeches on the Common, but the runaway grandmother's race was run.

She had to lie there and bring herself to face the thought of the electric chair. Through all these seven dreadful years, she had refused to face it—a game of self-deception; but Bart and Nick had been right all along—they had known that the thought must be faced, and they had done it. They had the will, and the philosophy; they had been able to talk about it and joke. Now Cornelia must do the same thing. Remember what somebody had told her—it does not hurt, because the current destroys the brain before there is time for a sensation. And when it is over, it is really over; other persons may worry for you, but you don't worry for yourself. Also, you are a martyr, you have accomplished something for the cause you love.

That was what she must manage to realize. Persuade herself that there was a new generation coming, that would care where this one was indifferent; that would count it as something important that two wops had denied themselves happiness so that justice might be born into the world! Think about those young persons of the future; lie here and shut your eyes, and let them come into your presence and speak to you; feel their gentle hands upon your forehead, bidding you to rest, your tense nerves to relax and your heart to stop pounding.

Cornelia lay wrestling thus; and into her mind came drifting words of comfort. "Now we are not a failure. This is our career and our triumph." Vanzetti speaking; where had she heard him say those words? On a chair by her bedside was a scrap-book, full of letters, manuscripts, clippings. She was moved to sit

up and turn the pages; here it was. Shortly after Judge Thayer had sentenced the two men to die, Cornelia had persuaded a reporter for the North American Newspaper Alliance to go to Dedham with her, and see what kind of men these alleged bandits were. Now, reading the interview, Cornelia recalled every detail of the scene; the prisoners coming down from their tier of cells, getting a glimpse of sunshine in the central hall, and lighting up with it—Nick, with his "kid's" grin, Bart with his mature and gentle smile. The reporter, Phil D. Stong, a big fellow, rather blond German face, well-fed and well-groomed—on an expense account, as he told Cornelia, with a laugh; tender-hearted, with the sentimentality of his race—and struck dumb by the discovery of two men of this transparent sincerity and fine idealism in the shadow of the electric chair, face to face with their last enemy and not afraid of him. He had listened, while the victims did the talking; then he had gone away and tried to make a picture of the scene for the readers of a chain of newspapers.

"Both men expect to die. They say so, and the conviction is written in grave, serene characters on Vanzetti's face. Tears touch the young man 'Nick's' eyes for a moment, brightly, but his voice is steady. He is married to a sweet-faced little Italian woman. They have two children.

"In a moment, Nick, with his smooth pompadour, and his boy's face, is laughing with the deputy sheriff in argument about prison fare.

"Vanzetti regards one kindly, but appraisingly. A ferocious mustache covers an expressive, smiling mouth. The stamp of thought is in every feature; the marks of the man whom strong intelligence has made an anchorite."

And then a glimpse of prison life:

"Up from the shops comes a file of gray men, arms folded, faces expressionless—a rhythm of steps and faces.

" 'They been working.' Sacco's fingers move nervously. 'God, when I cannot work I almost go crazy. My fingers used to be busy. I beg, I argue—give me something to do—I shovel coal, anything. At last, they give me brick to clean—after three years. You see me now? I gain a pound a day for thirty days.' The deputy sheriff nods confirmation.

" 'First they give me basket to weave, like children. Better

than nothing, but not much. Then I sit alone—seven years—thousands of days—and all for say man's nature can be perfect—day after day—nothing do—breathe, eat, sit up, lie down—because I think man innerly noble—not beast—'

"Vanzetti interrupts his companion gently. He knows the two visitors believe in the enforced regulations which restrain fallible humanity.

" 'We're capitalists,' he says smiling, and pointing to the line of workers. (Men under sentence of death are given no work.) 'We have home, we eat, don't do no work. We're non-producers—live off other man's work. When libertarians make speech, they calling Nick and me names.'

"Sacco gurgles with amusement. The deputy sheriff appears significantly. Suddenly one realizes that these men are to die in a straight wooden chair, just as the world begins its summer holidays.

"Nick and Vanzetti see the new expression and understand. They smile, gravely, sympathetically, as men smile at a child's troubles.

" 'If it had not been for these thing,' says Vanzetti, 'I might have live out my life, talking at street corners to scorning men. I might have die, unmarked, unknown, a failure. Now we are not a failure. This is our career and our triumph. Never in our full life can we hope to do such work for tolerance, for joostice, for man's onderstanding of man, as now we do by an accident.

" 'Our words—our lives—our pains—nothing! The taking of our lives—lives of a good shoemaker and a poor fish-peddler—all! That last moment belong to us—that agony is our triumph!'

"Not declaimed, just said simply."

VI

There were tears in Cornelia's eyes as she finished. "Oh, beautiful! Beautiful!" And when Joe came in, later in the day, she showed him the clipping. "Those are marvelous words—those two paragraphs at the end. I wonder if you couldn't quote them again, and get people to read them."

Joe said that he would try it. In order to give a touch of drama, he put a headline: "Vanzetti to his Judges." The two paragraphs were taken up and reproduced in labor papers,

and became, as it were, a spiritual testament of Vanzetti, an untheological prayer which his friends carried about with them, and read while he was dying, and afterwards. Because of the title, people assumed that the words had been a part of a speech in court; but this was not so, they were spoken, quite simply and casually, to a newspaper reporter, the every-day stuff of Vanzetti's mind.

History records that those who heard the Gettysburg address of Abraham Lincoln were ill pleased by it. They found it brief and inadequate, and gave all their praise to the flowery discourse of the great Edward Everett of Boston. But the future seldom chooses words which are flowery; it chooses those which have been wrung from the human heart in moments of great suffering, and which convey a gleam of spiritual illumination. When such words have been spoken, we discover what Paul meant when he wrote, "this mortal shall put on immortality." School children learn them by heart, and libraries are written to interpret them; they are graven upon marble and cast in bronze; armies carry them on banners, temples arise to glorify them, and civilizations are built in their image.

Pass on, Bartolomeo Vanzetti, your work is done! You have fought the good fight, you have finished the race! Fear not the executioner, nor yet the raging slanderer—they are powerless to harm you, for you have carried out your life-purposes —including that incidental one of becoming a great master of English prose! You have spoken the noblest words heard in America in the two generations since Abraham Lincoln died! You have achieved what is called the "grand manner," so rare in literature! That simplicity whereby men become as little children, and enter into the kingdom of heaven; that dignity which causes the critics to bow their haughty heads; that tenderness which touches the heart, that rapture which fires it, that sublimity which brings men to their knees!

In short, old Bart, you have brought the Commonwealth of Massachusetts back into the literary world again! After many years, New England has another great writer—for a short while only, until it has sent two thousand volts of electricity through his brain! What an odd freak of history, that this great one should be a despised wop! That, after all the millions

spent upon education, he should not be a graduate of a college, nor even of a high school! That he should not even be able to spell correctly, nor to pronounce correctly, the language of which he is to be the glory!

What a satire upon great endowments, the huge masses of steel and stone, the deans and professors of this and that long-winded subject! As a result of their labors, there are a million persons in the Commonwealth of Massachusetts who understand the correct use of past participles, and would not say, "I might have live"; yet there is not a single one of these millions who can speak a sentence that stands a chance of living! There are ten thousand graduates of Harvard College, every one of whom knows better than to say "onderstand" or "joostice"; yet there is only a handful who understand justice, and not one who will die for it!

VII

The fears of the defense, that they could not get their answer before the public, proved to be groundless. In truth, no answer was needed—the weaknesses of the Governor's statement were so apparent. Impossible to take the lives of two men upon the basis of such an argument! There was a cry of dismay, so shrill that it penetrated even to the sanctum of supersalesmanship. A sudden panic among the "State House gang"; something must be done, and done quickly. The academic autocrats were summoned to the defense of their Governor, and three days later there appeared what was called the "report" of Lowell, Grant, and Stratton to the Governor.

It was much longer than the earlier document, and in its heavy style bore the marks of having been composed by President Lowell. It was argumentative where Fuller's had been assertive; it was fumbling where his had been jaunty. The feebleness and confusion of its arguments suggested the operation of aged minds. To disinterested persons, the most striking fact was that the report could be judged without knowing anything about the case. The elderly gentlemen had managed to make their ineffectiveness evident in almost every paragraph.

Suppose, for example, that you picked up your morning paper, and read what the Commission had to say about the evi-

dence of Roy Gould, the man who had got a bullet hole through his overcoat. "He certainly had an unusually good position to observe the men in the car, but on the other hand his evidence is merely cumulative." What would you make out of that? Assuming that you knew the meaning of the word "cumulative," why was evidence less valid because it was that? Wasn't it the nature of good evidence to be cumulative, and didn't you try to make it as cumulative as possible? Try some other word in that sentence: "his evidence is merely convincing" or, "his evidence is merely conclusive"!

Then that amazing and incredible sentence, in which the three elderly Brahmins summed up their meditations on the subject of one of their victims: "On the whole, we are of the opinion that Vanzetti was guilty of murder beyond reasonable doubt." What did the three elderly Brahmins mean by a man's being guilty "on the whole"? Or by their being of the opinion "on the whole"? Did they mean that there was some part of them which was not of the opinion? Or did they mean that there was some part of Vanzetti which was not guilty? On the Saturday when this report was given out, the New York *Times* made an effort to elucidate this question; and the New York *Times* is an important newspaper, whose queries are apt to be heeded, even by blue-blood college presidents. But apparently the Commission on the whole had decided on the whole that it would be safer on the whole to take no chances on the whole. The New York *Times* recorded that "efforts to reach members of the committee to clear up the exact meaning of 'on the whole' were unavailing."

But imagine the scorn and fury of young radicals—reading that sentence, and not waiting to have the exact meaning cleared up! Said Mistress Betty, now become ferocious: "Is he going to execute Bart on the whole, or is he going to execute him completely?" She pictured the august President of Harvard University appearing before the Judgment Throne, and being informed that he was to be sent to hell on the whole, and roasted for eternity on the whole!

VIII

The three elderly blue-bloods had had a comparatively simple task laid out for them; they had been asked to decide whether

Sacco and Vanzetti had had a fair trial. Was it owing to their age, or to their inexperience with criminal matters, or to their overwhelming prejudice, that they had been unable to stick to their task, but must keep confusing it with the question whether Sacco and Vanzetti were guilty? The latter they could not possibly determine; they had neither the time, nor the facilities, nor the training, nor the temperament. But their self-assurance was such that they attempted it; with the result that they fell to guessing, like everybody else, and they were so naïve as to reveal this to a horrified world.

Thus, in declining to accept the story of Madeiros, they remarked: "If he were tried, his own confession, if wholly believed, would not be sufficient for a verdict of murder in the first degree." Just what was the significance of that? Were the old gentlemen suggesting that two birds in the hand were better than one in the bush? And then, their extraordinary statement, that the evidence of Gould was "balanced" by that of Tootsie Toodles! Joe Randall said that such "balancing" ought to be exhibited on the vaudeville stage.

The handling of the Proctor confession had come to be a test of the honesty of official persons in Massachusetts; and it proved that each new person would find some new method of dodging the truth. The three elderly blue-bloods showed themselves fully as cunning as their predecessors. Said they: "Counsel for the defendants claim that the form of the question and the answer was devised to mislead the jury." That was a fact; and it was an instance of how to lie while stating a fact. Counsel "claimed" it; but why put the burden of the "claim" onto counsel, when counsel were merely restating the confession of Proctor? And then to go on and say: "But it must be assumed that the jury understood the meaning of plain English words." These learned Boston gentlemen claiming that Proctor had used "plain English words," when Proctor himself had stated that he had used obscure English words, and for the purpose of confusing the jury! Let the common sense of mankind judge whether a jury of mechanics and working people would find no obscurity in the statement that the mortal bullet was *consistent with* having been fired by the Sacco pistol! And when both the district attorney and the judge had pretended

to misunderstand it, and had told them that it meant what it did not mean!

And then to be nasty, and hint that their own high police official, who had served them faithfully for forty years, and now was dead and unable to defend himself, had made his confession because the district attorney had refused to pay him five hundred dollars for his expert testimony!

To Cornelia Thornwell this report meant the end of all things; her joy in life was gone. For prejudice and trickery on the part of a motor-car salesman she could make snobbish allowances; but in the case of A. Lawrence Lowell no such recourse was available, he was her kind of person, the best she had to offer. For years she had gone to commencements, and listened to his ponderous wisdom, and thought he was a great man; and here in a test she discovered that he had listened to all the gossip, and swallowed the whole "theory"!

She knew what would happen, if she went out among her friends to argue against this report. The friends would gaze at her in dismay. "But, my dear, *Mr. Lowell* says they are guilty!" If she persisted, the friends would add, "But my dear, Mr. Lowell *investigated* the case! He gave more than half his vacation to it!" Those who knew her well, including the members of the family, would say, "But Mother, you *wanted* Mr. Lowell, and now you won't abide by what he says!"

Impossible to make headway against such a tide! In New York men could read that report, and judge it for what it was, a revelation of the mental breakdown of a once-great civilization; but in Boston hardly any one could judge it, Mr. Lowell did the thinking of half the city. He was a god, and had descended from his throne, and devoted his mighty intellect to the affairs of two obscure wops; now for these wops and their supporters to refuse to accept his verdict was not merely blasphemy, it was ingratitude and impertinence.

IX

William G. Thompson withdrew from the case. One more lawyer had failed; one more lawyer had made enemies, and thought it would help Sacco and Vanzetti if he took himself out of the way. But each time it was made clear that the cause

of the hatred was Sacco and Vanzetti, no one else; the new lawyer, whoever he might be, would be as much hated as the old one.

They took Cornelia's advice, and went to the old stock, and retained Mr. Arthur Dehon Hill. Silver hair and rosy cheeks and a manner of complete assurance, he should have been Arthur Beacon Hill, according to Joe Randall. He was so correct that he dared to make jokes about it. Real "Old Boston," he thought that every criminal, even an anarchist, was entitled to a fair trial, and to have a lawyer do the best for him that the legal game allowed. But to his surprise he discovered that a great many persons, even lawyers, were strongly disapproving of his conduct in defending these enemies of society.

He started work on Saturday, the sixth of August; and on the night of Wednesday, the tenth, his clients were due to die: rather a short time-limit for the mastering of a complicated case! He began with an appeal to the Governor to extend the time; and the Governor replied by silence. He filed notice of an appeal to Judge Thayer for a new trial, on the basis of newly discovered evidence, and also—delightful inspiration! —on the ground that Sacco and Vanzetti had not had a fair trial, because the trial judge had been prejudiced! Judge Thayer agreed to give up making golf-scores in Ogunquit, Maine, and appear in Dedham Court House on Monday morning, to judge whether Judge Thayer had been prejudiced against Sacco and Vanzetti!

Also Mr. Hill started an appeal before Justice Sanderson of the Supreme Judicial Court, to try to get another motion before the full bench of that Court. Some jumping about for one lawyer, especially when all the courts closed at noon on Saturday. Elias Field was helping, and also Michael Angelo Musmanno, a young lawyer who had been sent on from Pittsburgh by some Italian societies. A naïve and warm-hearted person, Catholic and conservative, he had fallen in love with an anarchist infidel and an anarchist atheist, and was bewildered by the hatred which unloving Boston felt for his clients. A hectic three weeks the young lawyer spent chasing about New England and Canada, in motor cars, and now and then in airplanes, hunting supreme court judges on vacation.

Other lawyers giving advice, some of them secretly. One

was Henry Cabot Winters—hush, not a word! He would call Cornelia on the phone. "Mother, I don't want to get mixed up in this, but you'd better tell those fellows not to overlook saving all their exceptions as basis of a writ of certiorari to the Federal courts; and tell Hill not to let 'Web' get a single point on him—challenge his right to hear a word, or decide any issue, on the basis that it is a prejudiced decision. And when you go to a Federal judge, don't overlook Moore v. Dempsey 261 U.S. 86." Cornelia would have to say, "Wait! Wait! Let me get that down!" She had been wrestling with the powers that ruled her Commonwealth for seven years, but she had not yet learned to have a pencil and pad at the telephone.

Also professors of the Harvard Law School helping—and no secret about that, but on the contrary, picturesque scandals for the Hearst newspapers! A war between the law school and rest of the university, between Frankfurter and Lowell! Lowell had been disapproving of Jews as professors, ever since eight years ago, when another of them, Laski, had made a speech to the wives of striking policemen, while Lowell was preparing to lend the students of his university for strike-breakers. Now here was Frankfurter defending two anarchists in a book, while Lowell was sentencing the incendiary pair to death.

A pretty fight, difficult to keep within the limits of academic propriety! Not so long ago, the great Lowell had dealt a strong punch to the Jewish jaw, in the shape of a program to limit the percentage of such students allowed in Harvard; he proposed to do it openly, instead of secretly, as the custom was. He gave his reasons—among them that one hundred per cent of the books stolen from the university library were stolen by Jews. When this statement was investigated, the evidence turned out to be that one Jewish student had one library book which he had forgotten.

And now here were the Harvard alumni, rallying to the aid of their blue-blood president, by refusing to contribute to the law school endowment, so long as Felix Frankfurter remained a professor; they were making a regular campaign out of this. Among those who had publicly joined it was Mr. Ranney, the new assistant district attorney from Norfolk County, who had been opposing the Sacco-Vanzetti defense before the Governor;

also that blandly smiling blue-blood lawyer, Mr. Joseph Wiggin, who had been the Governor's private counsel, present at all hearings. "You see what kind of advice Fuller is getting!" said Henry Cabot Winters.

X

Disputes at headquarters of the Sacco-Vanzetti committee; factions clashing, radicals jeering at conservatives. "Now you see! You obeyed your respectable lawyers! You were good, and didn't make any noise, you trusted to legal precedents—and where have you got? If you had listened to us, if you had spent the money to make an appeal to labor, we could have had a general strike now, and the boys would have been saved!" But even now the conservatives wouldn't agree. Mrs. Evans thought it necessary to bow to the Governor's decision; while the communists wanted to make a mass appeal for a strike all over the country. Impossible to decide on a single move; and meantime the clock was ticking away the minutes and hours of the victims' lives!

Those who believed in picketing and street demonstrations proceeded to organize and send out a call for martyrs. On Sunday afternoon there were to be mass meetings on the Common; the socialists and the communists each had a "tree," and as usual, they announced rival meetings. Superintendent of Police Michael J. Crowley announced that he would attend both. For the first time in Boston history the entire police force of twenty-two hundred men were on what was known as "twenty-four hour duty." All vacations were canceled, extra men were brought from other cities, the firemen were sworn in as deputies, the state constabulary were ready with armored cars, riot guns, searchlights and gas bombs. Said the sharp-tongued Betty, "The Commonwealth has told ten thousand lies, and each lie must have a club and a gun to protect it!"

Between Boston Common and the park known as the Public Gardens there extends a wide esplanade, half a mile long, lined with old elm trees; since as far back in history as the oldest citizen's great-grandfather could remember, this had been the temple of Boston's free speech. The trees were numbered, and every Sunday afternoon the advocates of anything would have a tree assigned to them, where they might set up a soap

box and stand thereon, and say what they pleased to all who cared to listen—with only such interference as came from the voices of the orators under the other trees.

But now the government of Massachusetts had officially endorsed ten thousand lies, and staked its official existence upon them; the one thing it could not stand was to have these lies exposed to the general gaze. Under the socialist tree were women carrying banners, containing the sentence once spoken by the just and upright and utterly unprejudiced Mr. Justice Thayer. He was to speak again from the bench to-morrow morning, and tell all the world how just and upright and utterly unprejudiced he was. Now here was a banner: "Did you see what I did to those anarchistic ——? Judge Thayer." The makers of the banner had left the bad word blank, but that did not improve matters, because there is no limit to what the human imagination may insert in a blank. People might imagine the worst of all possible expressions, so bad that it had never been printed in any newspaper. If they did imagine that, they would be right; and so it was necessary for the Commonwealth to resort to clubs and bullets.

XI

Alfred Baker Lewis, devoted young secretary of the Socialist Party, was denouncing the Governor's decision, when Michael J. Crowley came pushing his way through the crowd, demanding to see his permit. Burly Irish-Catholic Mike, known as "Mickey the Gunman" to the striking policemen, and called even worse names by the booksellers of Boston, whose boss and master he was. For among the many duties of a superintendent of police in that pious city is to supervise the books which the literati may purchase. In the course of the past two years Mike had barred some seventy of the leading novels of the day, practically everything which an intelligent man or woman would want to read.

And so to-day; the public would be forbidden to hear every word that could interest an intelligent citizen. The Salvation Army would go on banging its drum, and the Holy Rollers would continue their contortions; but protest against legalized murder would be met with clubs, and if necessary with bullets.

"Let me see your permit," commanded the superintendent of police; and when the orator produced it, Mike announced, "This permit is canceled and the meeting is forbidden." When the young socialist attempted to protest, "You are not going to argue this case in public," said the majestic Mike—just that and no more; he said it several times, so that every citizen of Boston might feel the full weight of the civic insult. "You are not going to argue this case in public!" Only in the council chamber at the State House, before elderly academic autocrats who would doctor the record when they got through, and keep the public from knowing what blunders they had made!

"This meeting will disperse!" shouted Mike, to the sixteen thousand persons crowded round him; and the blue-clad "cops" began their onslaught—"for every lie a club or a bullet!"

"Come over to our tree! We have a permit!" shouted the communists; so the crowd swarmed over there and Mike came also, and repeated his performance, confiscating another permit. But the communist was not so obedient as the socialist—he went on trying to speak, and was hauled off the soap box and surrounded by policemen, and dragged off to the waiting patrol-wagon. Three other persons they arrested—one of them Edward Holton James, of Concord, nephew of the novelist who wrote like a psychologist and of the psychologist who wrote like a novelist.

A persistent person, Mr. James; perhaps it came from living in Ralph Waldo Emerson's back-yard. He had stood up in Germany, during the war, and said what he thought about the Kaiser. The Germans, not understanding Concord, had decided that he must be insane, so they had shipped him into Holland; whereupon he had promptly got himself smuggled back in a load of merchandise, and stood up again and said what he thought about the Kaiser, and spent three years in a fortress for it.

Now he was so naïve as to think that he owned a share of the Common, and had a right to speak there, and to refuse to be dragged off. He resisted being dragged, and went so far as to slap one of the officers—with the flat of his hand. They taught him his lesson, regardless of his blue-blood and his money; when the "cop" got him alone in the cell he gave him one on the side of the jaw, and Mr. James "passed out," as

the saying is, and when he came to he had a cracked jawbone, to keep him quiet for a while.

XII

Arthur Dehon Hill arguing before Judge Thayer in Dedham Court-house, with the round white dome and portholes like an ocean liner. Silver hair and rosy cheeks, his manner of subtle banter now replaced by burning indignation, that a judge with such a record as Web's, and knowing in his heart such prejudice as Web's, should be insisting upon deciding a motion involving two human lives. The lawyer invited the judge to consider how he would feel if the followers of Lenin had seized the government of Massachusetts, and were trying him according to the precedents he had set! He told Web to his face that he had been unfit to try the case from the beginning; he cited in open court what the Lowell commission had said about him—that in talking about the case off the bench he had committed "a grave breach of official decorum." Could any man hear such words about himself, and not be affected by them? Web's answer was that the chief justice of the Superior Court had instructed him to cut short his vacation and hear this motion. "And I am here," said Web, in a low voice. His face was gray, his hands trembling, his eyes blinking fast. His court-house was well guarded that day.

New evidence had been discovered. A young fellow by the name of Candido di Bona had been standing on the street in South Braintree when the bandit-car went by, and now made affidavit that neither Sacco nor Vanzetti was in that car. This evidence was what the Lowell Commission would have called "merely cumulative"; there were already thirty-one persons who had made such statements, either at the trial or in later affidavits, and Web Thayer knew of them all, and intended to pay no more heed to the thirty-second than he had paid to the thirty-first. He thought that he no longer had jurisdiction; that after sentence had been passed, no judge of the Superior Court could entertain any motion. To this the lawyer argued vehemently that nothing could deprive accused men of an elemental right. "I believe that if there is new and important evidence, the courts have the power to consider it, even after

sentence has been pronounced—even down to the time the men are strapped in the electric chair. I do not believe the laws intended the courts to regard these men as legally dead as soon as sentence was pronounced."

Arthur K. Reading, Attorney General of the Commonwealth of Massachusetts, had been instructed by the Governor to follow Mr. Hill in his peregrinations among the courts and make certain that he didn't get anything. Handsome, genial, and a good fellow, Mr. Reading was a bitter foe of all Reds, and the aiders and abettors of Reds. Said he: "I have just heard the most preposterous argument that I have ever heard from an able lawyer." He expressed his horror at "this attack on the court for which I have the highest regard." He proclaimed that, "Ours is a government of laws." Such reverence for laws and courts this noble gentleman had—and even while he was orating, his pockets were stuffed full of money, collected from various organizations which had been warned by Arthur K. Reading as counsel that they were in danger of prosecution by Arthur K. Reading as attorney general!

The "Decimo Club" was an ingenious organization which sold memberships to persons who hoped to get rich quickly; but the only ones who did get rich were the promoters of the club, and their legal counsel. A couple of months ago they had secretly handed a check for twenty-five thousand dollars to Mr. Reading, and immediately thereafter he had given to the newspaper reporters an interview telling them that the Decimo Club was all right. He had performed similar "legal services" for the "L.A.W.," an automobile stock-selling scheme with curiously involved features. Altogether he had collected about ninety thousand dollars in such "fees," and within ten months of the time that he had demanded the life of Sacco and Vanzetti, he was to be formally indicted by the House of Representatives and driven from his high office in disgrace —the first time that had happened in the history of the Commonwealth. So nemesis waits for Red-hunters!

XIII

In the meantime Cornelia Thornwell had got into action again—impossible to rest. Pleading with the Governor to grant

a respite—but the Governor would not give a hint of his intentions. Calling up friends and relatives, nagging at them to "do something"—when they had no idea what to do. "Henry, do you suppose Fuller can really intend to let those boys die while proceedings are pending before the courts?"

"I'm afraid he does, Mother"—this over the telephone.

"But what can be in his mind?"

"Well, Mother, it is costing a lot of money to keep this thing going. Think of the military expenses! And then, it's bad advertising; every day it keeps up, things look worse for Fuller and Lowell, and naturally they want it over with."

"Do they think they can stop it by a murder?"

"I'm afraid they do, Mother—and what's more, I'm afraid they are right. You can't keep the case alive when the men are dead."

"Henry, you *must* do something for me!"

"But what can I do? I have no pull with Fuller, I don't even drive a Packard car." The great lawyer thought for a bit, and added: "Why don't you try a little social pressure? Get Deborah or Alice or both of them to give him and his lady a dinner-party? I'll come, if it will do any good."

Learn how the world is governed, Cornelia—now in your seventy-third year of life! Once upon a time people did things like this to you, and you were too gentle and trusting, too much of a "lady" to know it, or to believe it when it was pointed out to you. But now do it yourself! Seek out the weak spot in the armor of a motor-car salesman who has forty million dollars, but no "social position," and has a Catholic wife, a cruel handicap in Massachusetts! Get busy at the telephone, and put it up to your daughters, as hard as you know how—if they have one particle of love for you in their hearts, if ever they had a particle of love in their hearts, to spare you this dreadful anguish!

True it is that the motor-car salesman has made public attacks on Rupert Alvin, calling him an arch-corruptionist and things like that; but that is just politics, and social life is another thing altogether. The motor-car salesman will doubtless know what is being done to him; he is a business man, and does not give something for nothing, nor expect to get something for nothing. To be received in one of the greatest homes

in New England, to put his feet under the table with haughty and unapproachable Brahmins—that counts for nothing to him personally, or so he pretends, being "bull-headed" and defiant; but he has a wife, and children growing up to the age of marriage, and what the women and children clamor for cannot be overlooked by the most self-satisfied of self-made millionaires.

Cornelia had her way. Ladies do in Boston, when they are persistent, and when they are old. The formal invitation was written by Deborah Alvin, addressed to Mr. and Mrs. Fuller, and delivered by a chauffeur at the Governor's summer home, at Rye Beach in New Hampshire. A couple of hours later an automobile arrived at the North Shore palace of the Rupert Alvins, with a formally written acceptance. Deborah got busy, and invited half a dozen members of the family, and intimate friends who could be taken into the secret. Clara Thornwell Scatterbridge came—another stage in her feminist revolt! Alice Thornwell Winters came, dressed in pale lavender, the color which harmonized with her aura; having lost a great deal of weight on a humming-bird diet, she had taken up a new rôle, and was a picture of delicate and spiritualized melancholy.

The Governor and his lady arrived, in the very latest model of Packard limousine, custom-built, preceded by a car full of alert-looking men with bulging hip-pockets, and followed by another carload. Several posted themselves at the front door, others walked round and round the house and peered into bushes and under porches. One, who looked and acted like a guest, wandered about the downstairs rooms all through the meal; the Commonwealth was taking no chances—especially in a home where the mother-in-law was one of the most notorious Reds. These precautions lent an extra thrill to the meal, but good form required that no one should know anything about them.

The supersalesman sat at the right of his hostess; on the other side was Alice, and the matter-of-fact and rosy gentleman had never encountered anything so much like heaven. She told him about his aura, which was news to him; Deborah told him about her orphan asylum, and Rupert told about his chapel, and how a bishop from England had praised the design of the apse. Never a word about the distressing news which was on

the front pages of all the papers! "Cura nulla medicabilis arte" may have been all right for a poet two thousand years ago, but the social arts of "old Boston" had mastered all human weakness.

Except that at the end of a delightful evening Deborah led her distinguished guest to one side, and burdened him for a moment with the story of how her old mother was suffering so that they feared for her life; would she be presuming if she asked the Governor to reprieve the two wretched men for a couple of weeks, until the hope of court action could be tried out? The supersalesman replied with all the caution of a skilled politician. It would not do for him to say outright, because the final decision rested with his Council. But privately, and in strictest confidence, he would assure Mrs. Alvin of his best endeavors, and she might convey that information to her mother under a seal of secrecy. When the ordeal was over, and Cornelia was free to tell the story to Betty and Joe, she commented upon the way the world is governed. Said Betty: "Don't you know, Grannie, the real cause of the world war—that King Edward of England was not sufficiently polite to his nephew, Emperor William of Germany?"

XIV

On Monday evening Judge Webster Thayer handed down a decision, to the effect that he had no jurisdiction to entertain any motion in the Sacco-Vanzetti case. By this ruling he claimed to have avoided passing upon his own prejudice; but at the same time he said, in open court, "I had no prejudice." He said it many times.

On Tuesday morning he gave another decision, refusing the request for a revocation and stay of sentence. He gave this out from his home in Worcester, where two police officers watched by day and two by night, and one followed behind the judge when he went walking with his dog. In the toilet of a subway station in New York, a bomb had exploded, wrecking the station and seriously injuring two persons. The friends of law and order were certain that the friends of Sacco and Vanzetti had set this bomb; while the friends of Sacco and Vanzetti were equally certain that their worst enemies had

done it. In the State House in Boston a package had been found in one of the elevators; after listening for clockwork inside, and hearing nothing, the police had opened it with many precautions, and found two pounds of chocolate.

Justice Sanderson of the Supreme Judicial Court declared that he had no power to grant a motion for a new trial; it was a problem how to bring the matter before the Full Court. Federal Judge Anderson declined to intervene—in spite of "Moore v. Dempsey, 261 U.S. 86." In fact he thought that decision worked the other way. A difficult matter to make a science out of the law, when no one could determine what it meant, and there were no angels to administer it! Justice Oliver Wendell Holmes of the United States Supreme Court said that he had no authority, but pointed out that they were at liberty to try some judge of the circuit court; however, the judges of the circuit court advised trying the supreme court. It was as Bart had noted long ago—everybody put the problem off on somebody else!

Hill and Field and Musmanno went racing about from one court to another, and from one summer resort to another—wherever a judge might be intercepted. Behind them chased Attorney General Reading, his pockets full of money from the Decimo Club and the "L.A.W."; and behind him one or more carloads of reporters, liberally provided with funds by large-scale purveyors of sensation. Hill made another appeal to the Governor for a stay; and the Governor announced that he would not grant the request. That was Tuesday afternoon, and the execution was set for Wednesday midnight.

"What does that mean, Deborah?"—it was Cornelia phoning to her daughter, tormented with anxiety.

"I don't know, Mother. I only know what he told me. He may have his reasons. We ought not to talk about it over the telephone." So there was nothing to do but wait, and guess at the tortuous motives of a supersalesman of automobiles, whose heart was set upon moving to the White House.

Betty and Joe were absorbed in frantic efforts to awaken public opinion. The respectable lawyers were out of favor now, and it was permitted to make "propaganda." The committee had issued a call for a hundred thousand persons to come to Boston and voice the protest of America against judicial mur-

der. About two hundred came. For the most part they only added to the confusion, because there was no one to organize them or put them to work. No two had the same idea of what should be done; and when they came to the committee, they found exactly the same state of disagreement.

Many of the group from New York, especially the liberals and the lawyers, thought that the crucial issue was the Department of Justice files. They started a clamor: "Open the files!" Several newspapers took it up. But this program met with strong opposition from the Italian anarchists. Could there be things in these files which Italian anarchists did not want to see upon the front pages of newspapers? The liberals got so far as to induce the Department of Justice to say that the files would be turned over to Governor Fuller or to President Lowell, if either would ask for them; but these worthies took exactly the same attitude as the anarchists, and for exactly the same reason. There were more things in the class struggle than were dreamed of in the philosophy of amiable liberals.

XV

One thing all sympathizers could do, and that was to get arrested. Over at socialist headquarters in Essex Street was a little group which had a program, and an organization to carry it out. A group of students came there, and placards and sandwich signs were made, calling upon Governor Fuller for justice. Young men and women sallied forth—and as they emerged from the building, a squad of police fell upon them, and took away the signs and tore them to pieces. So the job had to be done all over; the signs were prepared secretly, and would-be paraders came one by one to the place of demonstration, hiding their signs until they were on the picket-line.

On Tuesday afternoon some thirty paraders made their appearance in front of the State House, each wearing a placard with a Sacco-Vanzetti argument upon it. For a while the police let them alone, and contented themselves with keeping the crowd on the other side of the street. On the Beacon Street front of the State House there is an iron picket-fence, which curves in towards the main entrance, making a large half moon; so there was a comfortable space for paraders, and a chance

for their sentiments to be legible. They walked in silence, keeping in motion, paying no attention to any one: a form of demonstration which had first been used on Broadway, New York, during the Colorado coal strike, and had been taken up by the Boston suffragists at the time of President Wilson's visit, when Cornelia and Betty and Mrs. Henderson and her daughter had gone to jail. The city had passed a special ordinance to meet that form of insurrection; it provided against "sauntering and loitering," and the suffrage women had called it "loitering for liberty."

Too bad that so many of the demonstrators were foreigners, especially Russians and Jews, who were disliked in Boston. Such names as Berkowitch and Borofsky, Dalevitch and Hurwitz, Timchuck and Suchuck and Shklar did not produce a good effect when read aloud over morning codfish-balls and coffee. But when you call for martyrs you cannot be fastidious, and your recruits will probably come from the martyr races—especially the Jews, who discovered the idea. So Berkowitch and Borofsky, Dalevitch and Hurwitz, Timchuck and Suchuck and Shklar, male and female, walked up and down in front of the high stone building with the golden dome, their faces pale and set with determination. With them walked Alfred Baker Lewis representing the socialists, and Harry J. Canter and Bertram Wolfe representing the communists, and Grace Hutchins representing Beacon Hill and the Back Bay.

State House guards lined the picket-fence, and square-jawed, hard-faced "plainclothesmen" slipped in and out among the crowd. The statue of Daniel Webster surveyed the scene impassively; also the tall equestrian figure of General Hooker, green with verdigris, and white with the droppings of birds on top of his head. From the windows above, the State House gang looked down, and cursed, or cracked their jokes; the bootleggers and friends of bootleggers, the sellers of public privileges, the boon companions of large scale plunderers, who had millions to spend for immunity.

Over on the other side of Beacon Street was the Shaw monument, glorifying a young Harvard aristocrat who had given his life to raise Negro slaves to manhood. Here walked "cops" with clubs in their hands and guns on their hips, wondering how long it would be before they were turned loose on

the "Bolshevikis"; also members of the American Legion, stirring up the crowd, crying their hatred of the "goddam Reds." Few of the spectators needed any incitement; their heads were stuffed with the contents of newspapers, and they were sure the "Guinneys" were guilty, and should have been "burned" long ago.

At four o'clock in the afternoon the number of the paraders had grown to a hundred and twenty-five, and the police decided that it had gone far enough. Captain McDevitt appeared and read the riot act. Under the law the "saunterers and loiterers" had seven minutes in which to disperse. When they continued marching, the police surrounded thirty-nine of them, and loaded them into patrol-wagons, and carted them to the old Joy Street police station, followed by a crowd shouting, "Beat them up! Hang them!" That was just words, of course; Massachusetts is a law-abiding Commonwealth, fitting completely into the formula of Lenin which Betty Alvin was so fond of quoting: "The state is a monopoly of violence."

XVI

The monopolists of violence were making their preparations for such a show of their commodity as no city in America had ever witnessed in time of peace. The old Charlestown prison was turned into an arsenal; a cupola-crowned, octagon-shaped building of hand-cut stone, with red-brick wings covered with ivy, its walls now had dozens of machine guns mounted on top, and stores of ammunition, and sixteen searchlights playing at night. Eight hundred policemen, carrying riot guns with bayonets, took possession of the streets approaching the prison, and roped them off, stopping all traffic over Prison Point Bridge, and on Rutherford Avenue, a main thoroughfare, for half a mile. They were posted on all the house-tops surrounding the prison. In front of the gates were a hundred mounted Boston troopers, and a hundred of the state constabulary riding the streets. Firemen were on hand with high pressure hoses to repel mobs, and there was a plentiful store of tear and gas bombs, gas masks and bullet-proof vests.

All day Wednesday the eight hundred and eighty-one inmates of the prison went their usual round, with arms folded

and lips shut. They were not supposed to know what was going on; but rumor spreads in penitentiaries, as fast as anywhere else. All the prisoners knew that the death-sentence was to be carried out at midnight, unless the courts or the Governor intervened. They knew that eighteen Western Union wires had been run into the officers' club of the prison, and that reporters were swarming there to send out the news of the execution. At nine o'clock the prison lights winked out one by one; but nobody went to sleep.

In the death-house, in three narrow cells side by side, were the condemned men; Sacco and Vanzetti and Madeiros, the Portuguese who had managed to hitch his fate onto theirs. Sacco was on the fourth week of a "hungry strike," and Vanzetti was also fasting; they were haggard and wasted, gray and grim. No one was permitted to see them, except their lawyers and relatives. Vanzetti had a sister on her way from Italy; if he were executed according to schedule she would not see him alive. The mother and sister of Madeiros had come for a visit; also Rosina Sacco, who spent her time trying to persuade her husband to sign some papers for the lawyers. But he was more stubborn than ever before. "They have had me nailed to the cross for seven years. Why should I keep it up?" Rosina broke down and had to be carried away.

The newspapermen noted that Sacco and Vanzetti did not behave like other condemned criminals; they did not chat with their keepers, nor sit and play cards with them, shoving the cards under the barred doors of the cells. They preferred to brood, staring at a little square patch of sunlight which fell from the roof upon the floor, the only reminder of the outside world. At night, when the searchlights played upon the death-house, they saw nothing, nor did they hear the sound of horses' hoofs. They were permitted to have their books and papers; despite the fact that Vanzetti had written a statement in which he had called Governor Fuller a "murderer." They wrote farewell letters to the world: still cherishing the "messianic delusion," the idea that posterity would be interested in their sufferings.

XVII

All that day the lawyers rushed about, and the Governor was busy with his advisers. His Council was in session, also the seven ex-attorney-generals of the Commonwealth, invited to advise him as to the law on the matter of a respite. On the street outside, several squads of pickets were being dragged off to jail, with more or less violence. Those who had been arrested the day before were being denied their hearings in police-court, and condemned to pay fines without argument. Some refused, and went to jail; others paid, and came out to join the "death march" again.

Marvelous copy for the newspapers, which printed everybody's guesses as to what was going to happen; every detail about the police preparations, and diagrams of the death-house, and photographs of the electric chair, and of the executioner —a gentleman who made a specialty of sending two thousand volts of electricity into living human bodies; he came from New York, it appeared, and was paid by the piece. For this job he was to get seven hundred and fifty dollars, and shocking as the statement may sound, he was overcharging the great Commonwealth. The people of Massachusetts, having elected their best business man to attend to their affairs, surely had a right to expect the discounts customary to the trade; but here was New York State getting its killings done by the same killer for only one hundred and fifty per!

Young Musmanno went to see his clients, to get another paper signed. They were glad to have some one to remind them that human affection still survived in a world given up to business. Sacco refused to sign, as usual; Vanzetti signed, hoping it would help both of them. He was reading the Beards on "The Rise of American Civilization"—at the same time that he watched its fall. He was not going to be able to finish these large, expensive volumes, so he wanted to give them to the young lawyer as a token of regard. But Musmanno couldn't bear to take them, because it would be admitting that Vanzetti was to die that night. They had quite an argument about it; and several times Sacco would break in with his realist humor: "Take the books, Musmanno! Take the books!"

Musmanno did not take the books, but sped away to make

another plea to the Governor. The prisoners began to sing; there was no law to prevent that, they sang every international song they knew, in Italian and in English.

Arise, ye prisoners of starvation!
Arise, ye wretched of the earth!
For justice thunders condemnation;
A newer world's in birth!

The rest of the prison heard no sound; but the searchlights flashed into their cells and kept them awake, and cries would run down the tiers of cells—hundreds of men shouting over and over: "Let them out! Let them out!" There was no one to interfere with them, for the guards, many of them, broke down and sobbed.

A singular adventure of Dorothy Parker, young poet from New York, sophisticated and ironical, but not liking official murder. She knew a newspaper reporter, and he got drunk, and volunteered to take her into the prison with him. He got her past the police-lines, and then went to get another drink, and never appeared again. So there was Dorothy, wandering about, patting the noses of state troopers' horses, surveying the lines of guns, and testing Massachusetts prison discipline after bed-time. She sat with the reporters, and gathered the news, and then went to the telephone and called up Sacco-Vanzetti defense headquarters, and was overheard by a horrified deputy-warden—a spy of the enemy inside the defenses! A lovely story for bored reporters, smoking cigarettes and playing cards in the officers' club, and begging for the tiniest item of news to put on the wires—starting with the mystic letters, "SV," and ending with the promise: "Will be add."

What was the supersalesman doing? Said Betty, "It is his idea of drama, to make publicity for himself!" But in this she was blinded by her hatred of the man. The plain truth was, he had decided to have the execution that night, and get it over with. But some of his advisers said it was impossible, with matters as they stood before the courts. Arthur Hill was arguing—a three hour argument before the Council. Up to the last half hour the issue hung in the balance, and swayed, now this way and now that.

Every preparation for death was made; the canvas cover was off the electric chair, and the current tested—the three victims listening to the sounds. They were dressed in their death-clothes—shirts with short sleeves and trousers with short legs, leaving room for the electrodes. But at ten-twenty the warden came to the reporters, his face wreathed in smiles, announcing that he had been notified by the Governor, the execution was "off" for that night. Wild excitement, and some joy, for the burly warden did not like his job the least bit. The reporters flashed the word "reprieve" to the farthest ends of the earth; but five minutes later the warden came in again, his face a blank—terribly sorry, he had further word from the Governor, the execution was "on" again, and was to take place at midnight.

The official witnesses who had been selected, and the one reporter, the Associated Press man, who had been favored above all other reporters, made ready to enter the death-house. But again the warden burst in, at twenty-seven minutes past eleven, almost in a state of collapse—he had had another talk with the Governor, and the execution was "off" for the next twelve days. The reporters leaped to the telegraph-keys—having before their minds a terrible calamity. There are newspapers in the big cities which make a practice of printing descriptions of things which haven't happened, but are due to happen according to schedule; there would be New York papers having on their presses the news that the men were dead. Suppose some of these copies were to get onto the streets!

The "false execution"—such was the name by which the friends of the defense came to know that dreadful evening. They had sat in defense headquarters, and in a church behind the State House which had been mercifully opened to them, and waited for news, and pictured the worst. Rosina Sacco had sat for three hours holding a watch in her hand; when at last the news of the reprieve came in, she collapsed, and had to be carried to the home of friends. In the little apartment on the north side of Beacon Hill, Cornelia Thornwell was at the telephone, dizzy, but able to hear the voice of Deborah: "I told you, Mother! You should have believed me—he would not dare to disregard us."

CHAPTER XXI

DAYS OF GRACE

I

Sacco and Vanzetti, brought up from Dedham jail on the first day of July, had been put into the death cells. When the Governor granted the first reprieve of thirty days, to allow the Lowell Commission to work, they had been moved back to what was called the Cherry Hill section of the prison. On the first of August, it being ten days to the new date of execution, they went back into the death cells. Now, the Governor having granted twelve days more, the rules required another return to the Cherry Hill section. "Oh, this is wearisome!" exclaimed Sacco. "This moving!"

He was on the twenty-sixth day of a fast, and barely able to totter. But he would not be assisted; no, he would take care of himself. A slow, feeble procession, the guards at his side ready to catch him if he fell. Vanzetti walked behind; having broken his fast, he had a little strength. Out into the open sunshine in the prison yard; a glimpse of the flower-beds along the walk, of blue sky overhead, white clouds, and gray and white gulls wheeling; the sounds of freight cars being shunted in the Boston and Maine yards, on the other side of the prison walls. A few steps to be climbed; wait, let him alone, Nick would do it by himself. At last he was lying on his cot in the new cell; tortured, distracted—when his wife and son came to see him they found his mind wandering. He was in what is known as a "blind" cell, having a solid wooden door in front of the barred iron door, and a peep-hole through which the keepers could look in.

Vanzetti also was in such a cell, and had fits of frenzied protest against the long drawn out and senseless agony. He talked aloud at night, and disturbed the other prisoners. His words being mostly in Italian, the guards and reporters said they

were "incoherent." He shouted about "the machine, the machine!"—which they took to mean the electric chair; not understanding the social system which is crushing human hopes throughout the world, grinding up the souls and minds of millions. Vanzetti was told that his cries were keeping other men awake, and that if he kept it up, he would be put in the padded cell, known as the "Blue Room." At this he became furious, and dragged his cot and wooden bureau in front of the door of his cell, and warned the guards that they would not get him out alive.

Cornelia heard that news, and came to the prison early in the morning. They had refused her admission to the death-cells —only relatives and attorneys were allowed there, a strict rule. Now they told her that Vanzetti was "dangerous," but she laughed at them; Bart had never been dangerous to those who used the methods and the language of love. She told them that she could tame this wild man for them, and without padded cells or strait-jackets. Since they dreaded a scandal very much, they gave way and took her through the prison yard, and into the corridor of "blind" cells.

Poor Bart—a dreadful change from the early days in that prison, when he had been so eager to see her, yet made her wait while he washed the coal dust from his face and hands! And always carefully shaved, clear-eyed, and with his unconscious natural dignity. Now he lay in a dark hole, feeble and wasted, his hair falling out, his teeth decaying, a gray and wasted specter. He started up when he heard her gentle voice, but then had to sink back on the cot, for he grew dizzy if he got up suddenly.

Cornelia asked the guard to let him come out into the corridor and sit with her. She knew that he would be gentle. The prisoner answered that of course he would; but he was not fit to be seen. She promised not to look at him, and so he came, and she looked into his eyes, and smiled and began to talk. She had been to Plymouth a few days ago, to interview a witness for Musmanno; she had seen the Brinis, and had much news about the family. They had moved to a place on Cherry Court, and the baby was grown up. A hundred items of gossip—even the latest reports from Vincenzo's garden, and the explosion which had occurred in his home-made wine!

And then news about that most precious of young creatures, Rupert Alvin Thornwell Randall—a mouthful of names. He was a sturdy one; two years old now, toddling and talking at a great rate; spending the summer at his grandmother's country place on the North Shore, while his mother gave her time to the Sacco-Vanzetti defense. Betty had been so determined that this infant should grow up in a proletarian environment—but alas, it was midsummer, and hot in a little apartment, and out there on the North Shore were cool, refreshing breezes; so the grandparents had the precious one, completely surrounded by a battalion of servants, and all the demoralizing uses of luxury. Betty had to choose between saving one infant and saving the world—a dilemma frequently encountered by reformers. Cornelia told Bart a little about the family duel, which had been going on for two years; now the great banker and his wife had got their way. Bart said they always would, so long as they were able to control the things which other persons needed.

Vanzetti had been writing off and on, in spite of handicaps. He had a statement which he wanted Cornelia to revise; she might assure the warden that there was nothing in it like calling the Governor a "murderer," which had made such a terrible scandal throughout all Massachusetts. He wanted to give her a lot of his manuscripts to keep—but she didn't want to take them, because that would be admitting that he was going to die! In the course of their talk he developed signs of timidity, and said he had written something that he had wanted to show to her, but he was afraid maybe it wasn't very good; it was a poem—a poem about a nightingale! Cornelia reassured him—it wouldn't need to be very good in order for her to be interested in it. He drew it from the lot of papers, and read it to her: this "dangerous" one, sitting in the corridor of the "blind" cells, with a lynx-eyed guard watching every move and listening to every word. The poem began:

When in the course of endless cosmic changes,
Upon the close of winter dark and drear
From far away, benignant, crowned with roses,
We see the lovely, longed-for spring appear. . . .

Cornelia had to tell the poet that such emotions had been expressed before; nevertheless, there were tears to her eyes over the effort of a wop in prison to describe a nightingale in Italy! Springtime in Villafalletto—the fruit trees in blossom and the vegetables thriving—and the poet behind bars, condemned to death! Was it because of her aching pity for the doomed idealist, or was there really beauty and pathos in the closing lines?

Thus in my garden, in bright morning's glow,
I saw thee in an April long ago.

II

Twelve days of grace had been granted to the defense. Twelve days in which to educate the world! Twelve days for lawyers to compose more briefs, packed full of legal formulas and imposing citations; to hop into automobiles or airplanes, and go hunting for judges, and argue, plead, insist—there could not be a total failure of law, when new evidence had been discovered, proving that innocent men were about to be executed. The judges would listen politely and patiently; but in all that long list, from the lowest to the highest, not one would think about anything but precedent, not one would act upon a basis of mercy or justice, political wisdom or ordinary common sense.

"Unless a million men can be mobilized in our defense, we are lost!" Such had been Vanzetti's statement, two or three years ago. It had taken the United States government a year to mobilize a million men, and the Sacco-Vanzetti committee now set out to do it in twelve days. They drafted appeals and sent long telegrams—a great sum in tolls each day. Mass meetings were held in hundreds of American cities and towns, and in all the capitals of the world; the newspapers were full of reports of riots and strikes. But such events only stiffened the backs of the State House crowd; this was "Bolshevism," and the answer to it was several thousand rifles with bayonets, and a plentiful supply of gas bombs and machine guns.

The one thing the State House crowd really feared was a general strike. That was the weapon which had saved the lives of Ettor and Giovannitti, and which might have saved Sacco

and Vanzetti. The police were on the alert day and night for the first move towards it. Two Jews, officers of the cap makers' union, started a movement for a strike among the clothing workers of Boston, and were arrested and framed on a bombing charge. The police hadn't the slightest thing on them, and confessed it with a laugh when they released them—after the execution. There were spies everywhere, bringing word, hour by hour, of what was going on in all the centers of sedition. The ruling classes waited for the least little sign of violence, the least departure from the rôle of martyrdom—so odious and exasperating to those who believe in gold and steel.

The "highbrow" sympathizers labored to mobilize liberal opinion. They organized emergency groups and drafted appeals to the Governor, and collected signatures from leaders of every form of intellectual and artistic activity. It was a simple matter to get such persons to voice their horror at the idea of executing men after seven years on the rack, and when there were so many reasons for doubting their guilt. The trouble was that after the signatures were collected, there was nothing to do with them—except to take them to the State House, and turn them over to a man who read the *Saturday Evening Post,* and to whom a list of leaders of international thought was of less significance than a list of the delegates to an "ad-men's" convention.

This salesman of motor cars posed as being completely impartial, and delighted to assure his visitors, "I don't know what an anarchist is, I don't pay any attention to that sort of stuff." But right in the midst of these pretenses some researcher in Washington dug up his hate-speeches—the only ones of any consequence he had made during his four years' service in Congress. He had been an ardent advocate of the exclusion of Victor Berger, the socialist congressman, and with hot anger had called for "the crucifixion of disloyalty, the nailing of sedition to the cross of free government, where the whole brood of anarchists, bolsheviks, I.W.W.'s and revolutionaries may see and read a solemn warning." He had talked about the "red scum," and the "agents of the red flag," and had denounced opposition to preparedness as "a devilish scheme of undermining the morale of the people." These tirades had been delivered

just before a thousand men and women were dragged from their homes and thrown into Boston jails.

III

Not since the days of the Civil War had there been such a test of the consciences of men and women in Boston. Strange things happened, unexpected workings of the spirit. To Cornelia Thornwell in her little apartment came the second son of James Scatterbridge, known as "James's Josiah," and sat in a chair and fixed his pale blue, earnest eyes upon her, and in a timid, half-apologetic voice began, "Grandmother, it seems to me as if I ought to do something to help."

"There is plenty to be done," said the old lady.

"I decided I ought to contribute some money, so I went to defense headquarters yesterday evening. I had made up my mind to give half my vacation allowance. But while I was there three Italian laborers came in; you could see they had just come from the day's work, their shoes were covered with mortar, and the backs of their hands had big knotted veins on them. They brought more than fifty dollars which they had collected on the job. I couldn't understand what they said, but I watched their faces, and I realized it was money which their wives and children must need, so I got ashamed of myself. I think we all have too easy a time. I gave every cent I had, and now I don't know what I'll do."

"Lots of college boys go to work in vacation time, Josiah, and sometimes they learn more than in classes."

"I know, Grandmother, and that's what I'll do; but first it seemed to me that I oughtn't to let you and Betty and Joe carry the brunt of all this. Betty says she's going to get arrested next Sunday, and it seems to me I ought to go, too. What do you think?"

Another family problem! Cornelia declined to solve it; she said that in matters of conscience, every person has to act for himself. "It will make your father very angry, of course."

"I know; he's terrible when he gets excited about the Reds. But I don't think it's quite the same as being a Red, to say that men ought not to be executed when there is so much doubt of their guilt. But I can't get Father to see that at all.

You'll be shocked, I know, but he said they ought to be executed, anyhow."

"I've heard many people say that, Josiah; it is almost a respectable opinion in Boston. A member of the Governor's Council has voiced it, I am told."

"We're having a funny time at home right now," continued the youth. "Have you heard about Great-uncle Abner? He is determined to break into the *Transcript* with a letter about the case, and Father has promised Uncle Henry that he won't let him—out of respect for you, of course."

"I know," said Cornelia. "It is very kind of them."

"Father is provoked with you, but he won't have any scandal, and he has been having all the servants bring Great-uncle Abner's letters to him, instead of posting them. Great-uncle Abner found out about it, and there was a terrible row, you could hear him shouting all over the house: 'Am I in jail or am I not in jail? Answer me that? Have I been legally committed? If not, take me out of here, and let me die a free man!' He just wouldn't give up, and Father had to pacify him, for fear he'd have another stroke. What Father did—you won't believe it—he promised to send the letter to the *Transcript,* and he had a printer take the editorial page from an early edition, and reproduce it complete, with the page on the other side also—but with Great-uncle Abner's letter in it. It was quite wonderful—it would have fooled anybody. They put it in the evening edition and brought it to the old gentleman, and he was as pleased as punch—read it about twenty times, and some of his old friends were let in on the secret, and came to see him and patted him on the back and said it was a great letter and ought to settle the case with the Governor. It said there ought to be a Bolshevik hanging from each tree on the Common, and they ought not to have any trials. It said that American institutions must be saved from rape at the hands of Russian gold and Italian dynamite. It was almost as bad as some of the letters that really get published!"

IV

The case worked also upon the consciences of persons who were cursed with artistic temperaments. Such unfortunates read

the letters of Vanzetti and recognized a brother in distress. He who had made himself a master of English prose spoke to all other writers, now as in times to come. They gathered from far and near, anxious that a great soul and a prophet should be recognized before he was dead.

There came Arturo Giovannitti, compatriot and fellow-victim of the "frame-up" system: one of those whom Captain Proctor had set out to "get," in the days of Proctor's prime, before his conscience began to trouble him. For more than a year Giovannitti had lain in Salem jail, and had written a haunting poem, "The Walker."

> *One-two-three-four: four paces and the wall;*
> *One-two-three-four: four paces and the iron gate.*

Now he walked a somewhat longer road in front of the State House with the golden dome; measured, not by paces, but by minutes—one-two-three-four-five-six-seven. He went to the Common, temple of free speech with elm-tree limbs for arches. "Fellow-workers," he began—being an I.W.W., that was his formula. "Break it up!" shouted "Mickey the Gunman." "You've said enough!" But the poet protested: "I haven't said anything yet! Wait till I finish before you arrest any one." "You're talking against the courts!" was the answer of the superintendent of police. "You're not allowed to talk against the courts!" The mounted troopers drove their reluctant horses into the crowd. "Break it up! Move along there!"

John Dos Passos came, playwright and novelist, genial, gentle, and bold as a young bull buffalo. A graduate of Harvard, he came to save the honor of his alma mater. "You have put your name and indirectly the name of the university to an infamous document"—so he wrote to President Lowell; and then, since no Boston paper would publish his letter, he went out on the picket-line and exposed his head to the policemen's clubs, and his skin to the vermin in the old Joy Street police-station.

"Fair Harvard, thy sons to thy jubilee throng!" There thronged George L. Teeple, of the class of '97, and got himself arrested with the other pickets, and read a statement in court, paying fifteen dollars extra for the privilege, because the judge

remarked that there might be an excuse for ignorant foreigners, but there was very little excuse for a Harvard man to violate the law.

Also Powers Hapgood, nephew of Norman and of Hutchins. His was not the sort of head the Boston police were used to breaking. He had completed four years' work at Harvard in three; he had "made" the Dickey and the Hasty Pudding Club, the varsity track squad and the Harvard "Crimson." He had been in the service abroad, and was one of the few undergraduates honored by election to the Harvard Memorial Society. He was one of those young Americans in whom readers of fiction refuse to believe; "unreal and made to order," they say, of a college youth who travels over the country working in coal mines, and becoming a leader of the left wing miners. Now he came to express his opinion of President Lowell, and the opinion was such that official Boston shut it up in the Psychopathic Hospital.

Heywood Broun was carrying on the same fight in New York, as "colyumist" of the *World,* at a salary of four hundred and fifty dollars a week. Broun had been "flunked out" of Harvard in his youth, and this may have made him feel disrespectful. "From now on," he wrote, "will the institution of learning at Cambridge which we once called Harvard be known as Hangman's House?" The *World* published that, but refused to publish the next articles, so the "colyumnist" went on a "permanent strike," which made an enormous sensation among the literati. An extraordinary thing, the way the case "got" the intelligentsia, even that portion which prides itself most upon being hard-boiled and immune to social emotions.

V

Also there came alumni of the University of Hard Knocks. Those foreign names which pleased the readers of Boston newspapers so little belonged to clothing-workers who had given up their jobs, and spent their savings to come and jeopardize their skulls; to sailors from the port, to iron-workers, barbers, bakers and waiters; also to poets and writers who had educated themselves, and thus could understand the soul of Vanzetti. There came Michael Gold, a young Jew from the

slums of New York, who had been a newspaper reporter in Boston when not yet out of his teens, and had been one of that group of anarchist sympathizers whom Cornelia had seen, eleven years ago, accompanying Galleani to the Plymouth cordage strike.

Mike was now a playwright and editor of the *New Masses*, but resented being classified as an "intellectual," and wanted to remain a worker; so he dressed in khaki, which gave a shock to Boston. He wandered about, fascinated by the spectacle of a city gone mad with fear. He listened to the conversation of sleek clerks and stock-brokers of State Street, ex-football players of Harvard who wished they might have a chance to tackle the "Reds." He listened to taxi-drivers and soda-jerkers, who knew what they had read in a capitalist newspaper, or learned from others who had read it in some other capitalist newspaper. On the afternoon of the "false execution" he joined the "death march" in front of the State House, and the same two iron-handed cops who grabbed Dorothy Parker the poet grabbed Mike Gold the playwright, and hauled them away to the oddly-named Joy Street police station. "Hang them! Hang the anarchists!" cried the straw-hatted mob; and Mike, who had written a life of John Brown, saw the ghost of William Lloyd Garrison going down the street with a rope about his waist, followed by the "mob in broadcloth," crying "Hang him! Hang the abolitionist!"

Those Boston merchants of a hundred years ago had been, some of them, the "bootleggers" of their day; smuggling "black ivory" from Africa, Negro slaves whose labor would be turned into molasses in Louisiana. The molasses would be brought to New England and made into rum, and the rum would go back to Africa, to make drunk the savage chiefs whose war-victims would compose the next bootleg cargo. Now the great-great-grandsons of those old merchants bore the same names, and looked so much like their ancestors that when they came up for election to the Somerset Club, the directors thought they were voting for the ancestors. These great-great-grandsons had imported hundreds of thousands of white niggers from the Mediterranean and Baltic lands, to operate their steam and electric machines, and had built a colossal system for the exploiting of this new slave labor. These new masters considered

themselves civilized, and were willing to install "welfare work," and have their wives "do charity." But at the same time they looked upon these foreign hordes with mingled contempt and fear, and dreaded the day when they might refuse obedience. To suggest this to them was the worst crime that could be committed in modern New England; the "black abolitionists" of 1831 had been replaced, as objects of ruling class hatred, by the "red scum" of 1927.

So it was that Boston was under what amounted to martial law, and there were more detectives watching strangers than there were strangers. Any one who wore a beard, or had a dark face, was liable to be halted on the street and ordered to give an account of himself. A messenger carrying a box of seidlitz powders had to stop for a chemical analysis. Helen Black and Ann Washington Craton—a descendant of the father of her country—were arrested and taken to the police station and cross-questioned for hours; the reason assigned being that they "looked like New Yorkers." Six Italians arrived in an automobile, and two of them needed a shave, so they were held on a bombing charge.

Joe Randall, of course, was a marked man; the fact that he wrote articles for newspapers and posed as a reporter only made him worse than the other "Bolsheviks." Detectives followed him everywhere, in restaurants, in drug stores when he bought an ice cream soda, in barber shops when he got a shave. He made trouble for them by insisting upon talking with them, which was destructive of morale and against the ethics of "shadowing." New "dicks" were substituted, but Joe said you could always recognize them by their blank and stupid faces; there was no other occupation by which such low-grade persons could manage to be well-dressed and well-fed.

Impossible to imagine anything more grotesque than the activities of these anthropoid mentalities, trying to deal with a world of which they had no gleam of understanding. Some of the things they did were beyond the absurdities of musical comedy. Heywood Broun's wife, Ruth Hale, came to Boston at the height of the tragedy. Two sleuths of the city spent the night in a Ford car, keeping watch on Hanover street, opposite defense headquarters, and in the morning a newspaper man asked them what they had been doing, and the answer

was, "We had a straight tip on a bomb-plot, and we were watching for the bombers." "Who are they?" asked the reporter. The reply was, "Two women from New York, Ruth Hale and Dorothy Parker."

VI

On Thursday, the eleventh, Justice Sanderson of the Supreme Judicial Court allowed a bill of exceptions from his ruling to go to the Full Court. Also Web Thayer was persuaded, for the sake of appearance, to permit exceptions to his rulings to be carried up. So there were two more hopes for salvation from the courts; Massachusetts was going to lean over backwards in respecting the legal rights of two convicted wops. Chief Justice Rugg was ill, and Crosby was in Europe; Sanderson was barred from considering his own ruling, so there were Braley, Wait, Carroll, and Pierce, with Braley, oldest member, presiding. He issued a summons for a special sitting on the following Tuesday, to listen to arguments of counsel.

Hope once more in the hearts of all believers in law and order. Surely the ruling group was coming to its senses; it had realized the frightful blunder it was making, and had chosen a dignified way to back down! Patience now, and keep cool, and don't do anything to excite public feeling, and make it harder for the learned justices! Stop the wild talk, and keep the New York radicals off the streets and out of the newspapers! Above all, no disorders on the Common, nor in front of the State House! So argued the "respectables."

Was there really a chance? Or was it merely that those in charge of affairs wanted it to seem that way? Quincy Thornwell came to his Aunt Cornelia, bringing rumors: the Governor had talked with So-and-so, and had said this and that. More important yet, Mr. Lowell was showing signs of weakening; he was defending himself, for the first time in his long life. One of the "middle minds" had been to see him, and he had argued until two o'clock in the morning, trying to justify his decision; he had been so anxious about it that he had followed his visitor downstairs in his pajamas, and out into the garden, flashing a torchlight into the bushes to make sure there

were no bombers hiding. Quincy Thornwell chuckled over the picture: assuredly the strangest sight ever witnessed by the chaste nymphs who haunt the shades of the classic elms of Harvard!

And then the learned justices of the Supreme Judicial Court, actually giving signs of humanity! Justice Wait had made a speech, defending the action of the court; and now here was the wife of another one, the presiding justice, Braley, telephoning to Mrs. Jessica Henderson; a Leach of Bridgewater she was, a highly respected person, and twice she called up to say: "Don't worry, my dear, everything is coming out all right, I assure you. They are not going to let them be executed, they will find some way out. The judge does not believe in capital punishment." What could have been the meaning of that? Could it be that these old boys were fooling their own wives, in the effort to cheer them up and keep peace in the family? Or were they using the wives to lull the defense, and damp the dangerous agitation during the critical days? Impossible to guess.

VII

In the Sacco-Vanzetti committee the never-ceasing struggle between those who wanted to be judicious and those who wanted to make propaganda. Lawyers and college professors telephoning in, or calling to make personal pleas: "Remember this is Boston, and keep the New York nuts out of the limelight!" But the "New York nuts" had something to say about that, and so had the Boston newspapers. The visitors came hiking, wearing oil-cloth placards over their shoulders, getting cursed and nearly mobbed in each respectable town they passed through. They came in sport-cars, with bootleg bottles in their baggage. Girls came in pants, and men with no hats or neckties. One brought a portable typewriter, ready for work, and when he found no room in headquarters, he set himself up on the curbstone outside the Hotel Bellevue, and started writing letters for Sacco and Vanzetti. The newspapers, of course, got pictures of him at once. Also they eagerly interviewed a young man who announced his intention of marching to Dedham jail to rescue Sacco and Vanzetti, and was disconcerted to learn that his campaign maps were out of date.

Such were the surface aspects of the invasion, easy to see and to record. But there was another aspect, not so obvious to Boston newspapermen, nor so diverting to their readers. The soul of the demonstration, a common feeling which animated all the participants, men and women, old and young, rich and poor, educated and ignorant: a sense of black despair, of agonizing littleness in the face of a colossal evil; an impotent rage, a hatred, bitter as gall, rolling up in their minds, for this whole great city of greed masked by bigotry—smug and polite and treacherous, cultured and correct and deadly.

Very few of these agitators were professionals; not many of them had any training, any party to guide and support them. They came as individuals, hesitating and confused. They didn't like to do what they were doing; the women, and many of the men, felt like Lady Godiva riding through the town naked—worse even than she, because they had no certainty of accomplishing anything; perhaps they were making fools of themselves to no purpose at all.

They came because American labor would not come. Vanzetti had called for a million workers, and the million workers answered, "What the hell?" Most of them were content for Vanzetti to die—so that American prosperity might live; they were ready to make that sacrifice to Moloch, precisely as the mothers and fathers of Carthage were ready to put their infants into the red-hot iron arms of the god, so that Carthage might live. So, instead of the million workers, came one or two hundred poets, painters, dreamers and lovers of beauty, Greenwich Villagers, bums, bohemians—whatever names Boston, the correct and murderous, might choose to call them. A pitiful little group, throwing themselves against the iron battlements of American capitalism, with its machine-guns and poison gas bombs, its police in the front rank and army and navy in reserve.

And for every dreamer who came, there were thousands who stayed at home, chained by poverty, or a greater share of timidity; waiting, waiting, with a ghastly sense of uncertainty, feeling themselves more effectively imprisoned than Sacco and Vanzetti. Writing letters, but not knowing if they were read; sending telegrams—like shooting arrows into the dark! Unable to get any real news—a few bare events each day in the papers,

but no opinions, no guidance, no light. The radio grinding out its eternal silly thumping of drums and whining of saxophones—this greatest story in modern American history not worth a moment's attention!

VIII

Sunday was coming, and what was the committee going to do? Was there to be another meeting on the Common, or should they oblige the lawyers and wait? Agonized arguments, turning into bitter quarrels. "When did you come into this case?" the old-timers would jeer; and to that the answer was obvious: "A fine mess you made of it!" The communists would rage at the members of the committee: "Do you think you own Sacco and Vanzetti? What do you want—to put their ashes in an urn and set it on your parlor mantel?"

Some were determined to speak on the Common, committee or no committee, police or no police. The Socialist Labor Party had a permit not yet confiscated, and the Sacco-Vanzetti defenders would use that; so it was announced, and the would-be martyrs prepared placards on canvas, which could be folded up and hidden under the clothing. Betty and Joe refused to tell the family what they were going to do; so here came Deborah in all her majesty, mixing with the "mob" on the Common, walking about unable to keep her hands quiet, so agitated she was. When it came to a test, she really did love her daughter, in spite of so many bitter words spoken during eleven years of wrangling. After all, it was "Boston"; conscience was conscience, and when you followed yours, you commanded respect from others who followed theirs. When the little group of white-faced men and women marched into the midst of armed ruffians, Deborah's emotions were those which had been felt by patrician Roman matrons, when their Christian children walked into the arena among the lions.

Police Judge Zottoli, an Italian anxious to prove his respectability, had announced that for those arrested in future "the sky would be the limit." But evidently among those in authority there must have been some wiser heads. The police had orders to disperse all gatherings, to allow no speeches, but to do as little arresting as possible; no more martyrs—and especially no well-

dressed ones! A curious experience for young ladies who lived on Beacon Street, within sight of this greensward; they were made to leap out of the way of mounted troopers, they had their placards taken away, and their arms squeezed black and blue—but always the last word was, "Move on! Keep moving!" Were these the traffic officers who had been helping them across street-crossings, and knew them? Or were they detectives who had been keeping watch over the wedding presents in fashionable homes?

The Socialist Labor Party changed its mind at the last moment, and refused to allow the use of its permit. So the would-be speakers were all outlaws. They brought soap-boxes—and the "cops" took them away and broke them up. For Joe Randall two young martyrs upon a sudden impulse got down and made a soap-box of their backs; on this precarious pedestal Joe stood, and began: "Fellow-citizens of Massachusetts, we are here to assert the fundamental principles of free speech"—and that was all, for there were three husky "dicks" who had been following Joe about the field, and grabbed him by the arms and pulled him from his platform and led him away.

Joe had made one concession to his anxious grandmother-in-law, he would not resist and get his head broken; he went quietly—and only when he was out on Beacon Street did he discover the scurvy trick which had been played upon him. The three huskies gave him a shove and said, "Move along now, young fellow, and keep moving." "What do you mean, am I not under arrest?" "Move along, buddy, what do you want to get into trouble for?" When he tried to force his way back, they held him. They would not fight him, they would merely block his way, and see that he didn't get to the Common. Later on, when Joe learned that the same thing had happened to "James's Josiah," he realized that it could not have been an accident; some member of an all-powerful family had called in a detective agency, and paid a fancy price to keep his relatives out of jail, and his family name out of the papers!

It was Powers Hapgood who made the real fight that Sunday before the last; Powers, with a young Italian sewing-machine repairer named Cosimo Carvotta, who got inspired by Powers' eloquence, and insisted on rescuing him from the entire police force of the City of Boston. Cosimo had upon him a pocket-

knife containing a small screw-driver, an inch long, used upon sewing-machines; he did not try to use it, but they found it in his pocket at the police station, and it was enough to constitute a "dirk," and make a startling story in the papers.

As for Powers, he had a highly honorific arrest, performed by Superintendent Crowley and a captain and a sergeant and other majesties. "I insist on the right of free speech! The people must save Sacco and Vanzetti! We must not allow our comrades to be murdered! Don't forget, Comrades—keep it up—save the men!"—thus the member of the Dickey and the Hasty Pudding Club and the Harvard Memorial Society, being dragged away to the police-box at the corner of Charles and Beacon streets. "Mickey the Gunman" himself pulled the hook which summoned the patrol-wagon, and within five minutes there were a hundred officers at the spot, and a squadron of mounted men to drive back the crowd.

IX

The special sitting of the Supreme Judicial Court was set for Tuesday the sixteenth at ten o'clock. Six hours before that came a dreadful event; some one put dynamite on the front porch of the home of one of the Sacco-Vanzetti jurors, in East Milton, and blew out the front of the house. Once more the authorities were certain that this had been the work of friends of Sacco and Vanzetti; whereas the friends of Sacco and Vanzetti were equally certain that it was the work of their worst enemies. They called attention to the peculiar placing of the dynamite, to make a loud noise and not hurt any one; they called attention to its exact timing—when it would do the utmost possible harm and least possible good to the defense.

The mystery was never solved; but the Governor took occasion to write a letter to the juror, denouncing those who were trying to "coerce the courts," and at the same time assuring the victim that the cost of repairing his home would be paid by the Commonwealth. A singular impulse of generosity from an official who just recently had vetoed a bill providing for compensation to state employees who had been injured in the performance of their duties!

With the crash of this bomb echoing in their ears, the four

black-robed justices assembled. The courthouse, and Pemberton Square around it, presented a scene of war. Benches were placed for barriers in front of courtroom doors, and Cornelia had to exhibit the contents of her handbag before she entered the room. She noticed that detectives assigned the little group of "Reds" to special seats, and then stood near them. Most of the crowd did not get in at all.

There sat in a row, behind a long raised desk, the four white-haired old gentlemen who held the lives of Sacco and Vanzetti in their hands. Henry King Braley, former city solicitor and mayor of Fall River, now seventy-seven years of age; Edward Peter Pierce, recently tried for misconduct, and convicted of very bad taste, seventy-five years of age; James Bernard Carroll, former city solicitor of Springfield, seventy-one years of age; and William Cushing Wait, former city alderman of Boston, sixty-seven years of age. Braley was a fellow-alumnus of Thayer's, Pierce and Wait were fellow-alumni of Katzmann's, while Carroll was a graduate of Holy Cross, which made him a fellow-alumnus of St. Peter. They told their fellow-alumni Arthur Hill and Arthur Reading, that they might have all the time needed; and then they sat, like four black-and-white images, motionless and impassive, while Mr. Hill recited the list of the high crimes of their fellow-alumni, Thayer and, indirectly, Katzmann.

Mr. Hill spared nothing of the story of "Web's" prejudice and the manifold proofs thereof. Also he asked a hearing for the new evidence—of which more was coming in every day. He called it "monstrous" to maintain that there was any stage in the process of taking men's lives when it ceased to be possible to present newly discovered evidence to establish their innocence. "It is the bench and bar of Massachusetts that is on trial," he declared. "It is our entire system of criminal law." He might have added "our entire system of criminal capitalism," but his vision did not extend that far, and very surely he could not have made it clear to four members of the Union Club of Boston.

Then came the genial Mr. Reading, with pockets stuffed with the money of the Decimo Club and the "L.A.W." He asserted his solemn faith that Judge Thayer had been just and unprejudiced; nor was he in the least afraid of being "mon-

strous" in reciting the law which specified that after sentence had been pronounced by the trial judge, no motion for a new trial could be entertained, no matter what the new evidence might be. The four old gentlemen mumbled a few questions to the lawyers, impossible for the spectators to hear; and then they gathered up their books and papers, and the session was adjourned. The friends of Sacco and Vanzetti went home, to continue that process of waiting in which they had become so expert in the course of seven years, three months, and eleven days.

X

But they did not have to wait very long this time. Massachusetts took pride in paying no heed to "outside clamor," but here was a different situation—a military expense of great sums every day, and enormous losses to retail trade. It was a time for sleepy old gentlemen to wake up and earn their keep. On Tuesday the hearing, on Friday the decision—an unprecedented procedure!

The document was written by Justice Braley, that oldest gentleman whose wife had more than once telephoned to Jessica Henderson, assuring her that everything was all right, no need to worry, the judge did not believe in capital punishment. Now the judge spoke for himself. With the other three judges concurring, he said that the legal system of the great Commonwealth was infallible, and the fact that it contravened decency, humanity, and common sense was of no significance. A long decision, highly technical, bristling with citations; the heart of it in one dreadful sentence: "A motion for a new trial in capital cases comes too late if made after sentence has been pronounced." Such is the law of the Brahmins and the Blue-bloods, which altereth not! "The exceptions are overruled."

Horror among so-called "liberals," those of Boston, as well as those who had come from outside! They had staked all their hopes upon the courts; they had pleaded, argued, practically forced the defense committee to obey, to let them handle it, to put their trust in the processes of law. And here suddenly was the ghastly fact revealed in all its nakedness—there was no law! There was only the class struggle! Exactly as Bartolomeo

Vanzetti had been saying for twelve years, ever since Cornelia had first met him: there was a propertied class, and there was a laboring class, and between them there was a war!

And now a battle under way, and the lines drawn, and deserters hated and punished—if necessary, killed! The immense, rich, eager, nervous, implacable young Empire was smashing a revolt of its slaves, crucifying its resisting gladiators by the roadside for a warning to all the rest! This legal decision was a searchlight, flashing suddenly upon that bloody deed! The Sacco-Vanzetti case was no longer the casual venality of a few local politicians, no longer the accidental malice of one elderly legal despot; the Sacco-Vanzetti case was capitalist government, the same in America as everywhere else in the world—the will of a predatory class!

Once before America had been like that, when the slave power had ruled it, and in those old days New England had had one poet with the gift of ecstasy and prophetic rage. A fugitive slave was sent back from Massachusetts, and Whittier, the Quaker abolitionist, pictured Liberty marching handcuffed down the street—

And Law, an unloosed maniac, strong,
Blood-drunken, through the blackness trod,
Hoarse-shouting in the ear of God
The blasphemy of wrong. . . .

"Mother of Freedom, wise and brave,
Rise awful in thy strength," I said;
Ah me! I spake but to the dead;
I stood upon her grave!

XI

A dreadful ordeal for the whole prison had been that "hungry strike" of Sacco's. They didn't want him to die that way—it was against the rules, and an impropriety; also they were sorry for him, and for his wife and child. They argued and pleaded; the wife and child argued and pleaded, but Nick was obdurate; he would not eat. Neither would he sign any papers for capitalist courts or governors; he would not ask for mercy or for

pardon—he was an innocent man, and would die protesting it.

On the thirty-first day of the fast he became so weak that the prison doctor decided to act. He brought some hot beef broth to the cell, and reminded Nick how very painful it was to be fed by a tube through the nose. He went so far as to take hold of Nick's nose, and say that he was going to pour the broth down his throat. So Nick gave up, and drank. They had all their strength, and he had little of his.

Then came young Musmanno, devoted slave of the case, broken-hearted, and shrinking from the job he had to do. They took him first to the cell of Nick, who was eating something. Said the young lawyer: "You are a brave man, aren't you, Nick?"

It was the correct psychology; Nick said, quietly, "Yes, I think I am."

"Well then, I must tell you that the Full Court has turned down our appeal."

"I expected it," said Nick, quietly. "What are they there for?" He did not wince; but he pushed his bowls and dishes aside and forgot them. "Sure," he said, "they have us, they will kill us. We will die like men." Then he said, "I will write a letter to Dante. You will come for that, Musmanno, I want the bimbo to have it when he gets older, and will be able to think about it." "Bimbo" is an Italian endearment for a boy; and Musmanno said he would come without fail.

He went to Vanzetti, the man of emotions, of words rather than of actions. When Bart heard the news, his eyes opened wide like saucers, and he sat staring before him, as if he were in a dream. He got up, and began pacing his cell wildly, shouting in Italian. "There is nobody more innocent in all this world!" He would not take it as a matter of course that a man should die; he was a propagandist, and had reason to live. "A million men! A million men!" he cried. He began to demand that a microphone be brought to his cell, so that he might speak to the workers of the world. Musmanno had to say that both these propositions were equally impossible. All they could do was to make more appeals before more judges. He was leaving for Washington that night, to file an application before the United States Supreme Court.

The young lawyer came back late in the afternoon, but found

that Nick had not been able to work upon the letter to his son. They had moved him back into the death cells for the third time. "Oh, this is wearisome!" He lay, very weak, his mind unsteady. He could only say, "I can't understand it. They will kill us?" Vanzetti was sunk in melancholy, and would say nothing except, "My sister! My sister!"

Luigia Vanzetti landed in New York that day; a quiet, thin, sad-faced little woman in a faded brown traveling cloak, coming second class, her name kept off the passenger list of the great liner. A strange fate to have befallen a simple woman of an Italian village; in Paris she had been set to march at the head of a huge parade of workers. Now, bewildered by throngs coming to greet her, and by urgent young newspapermen of this strange land of hustle and sensation, she clutched a gold medallion of the Madonna in her hand; relying upon this ancient magic to save her unhappy brother, whom she had not seen for nineteen years. She hoped to convert him, she said; "I will ask him to see a priest, and return to the faith of his childhood, of those happy days before he left us." Felicani and Rosina Sacco had come to meet her, and persuaded her to soft-pedal that aspect of her mission. As it turned out, she was no more able to save her brother's soul than she was to save his life.

XII

Henry Cabot Winters had to postpone important legal conferences, worth at least a thousand dollars a day to him, to come and comfort his distracted mother-in-law; to argue with her, explain to her—or just listen to her. "Yes, I know, Mother, it seems very wrong that new evidence cannot be considered; my judgment is, the Supreme Court won't stand by that ruling very long—they'll reverse it, or the law will be changed. But this time they must have it. You see, this Sacco-Vanzetti evidence is not real evidence to them—it's just more wops telling the same old lies, and every one is tired of it."

"Too tired to consider the good of our courts, Henry!"

"It's just the other way to them, Mother—they think they are standing by the courts. You must realize the dilemma; how can they throw Web down?"

"It would seem to me that Web has thrown them down."

"Web has been a vulgarian, of course. But after all, what he said is what everybody thinks; and he's been game, you have to admit that—he had a nasty job, and he stuck to it like a little soldier. For seven years he's risked being shot or dynamited every hour of his life; and now, to repudiate him—it can't be thought of."

"Couldn't they find some other ground to grant a new trial?"

"It's all very well to talk about new trials as a matter of propaganda; but if you mean it seriously, stop and think. With this agitation and uproar—how could there be a trial? You couldn't get a jury in a hundred years. Look at what happened to those people in East Milton! Think of the witnesses—appearing and testifying, with dynamite exploding all around them!"

"We wouldn't need dynamite for those witnesses, Henry; with what we know about them to-day, there isn't one who would dare take the stand."

"All right, grant that is true—where does it leave us? It comes to this, the Commonwealth has had two Reds within a few minutes of the electric chair, and now has to admit that it has no real evidence, the whole thing blows up. We might just as well hand our courts over to the Bolsheviks and be done with it. We'd never be able to convict another one."

"So, Henry, you are going to send two innocent men to death, because it would be embarrassing to admit a blunder!"

The lawyer smiled patiently. "Don't get to believing your rhetoric, and putting it off on me, Mother! You asked me what is in the minds of the Supreme Court, and I am telling you. When I talk to lawyers about it, and bring them to admit that maybe the evidence is weak, that is the argument they end up with—the courts must be sustained."

"A brand new idea of justice, Henry!"

The other smiled again. "On the contrary, an idea as old as courts themselves." He cited the pronouncement of some fine old Tory judge to a too-urgent plaintiff: "It were better that you be ruined, than that the law be changed for the likes of you!" Henry was no legal scholar; but because he lived in Boston, it was necessary for him to possess some handy learning, for public purposes. He told his mother-in-law that this pungent saying went back even farther; it was in Law-French,

which is a barbarous combination of old Norman-French with bastard Latin. He wrote it out, in an effort to divert the poor soul's mind for a few moments. "Que est ceo a nous? Il est mieulx qu'il soit tout defait, que la ley soit chaunge pur luy."

XIII

Cornelia insisted that she had to see the Governor once more, to plead with him for mercy. Even granting the worst, these men had been on the rack for seven years, and surely that was punishment! Henry said that would not get her very far; Fuller was a Roman senator, he believed in a life for a life. He had not pardoned a single man during his two terms as governor, and he had shortened only one sentence. But Cornelia, being a very old lady, was entitled under the Boston law to have her way; so Henry called up and made an appointment for her the next morning, and promised to come take her.

A great crowd in front of the State House, more picketing having been announced. Policemen so plentiful, they could have touched hands all the way along the front of the great building. Much scrutiny of those who came into the building—but Cornelia and Henry being obviously of the ruling caste, the guards took one glance and passed them on. Crowds of people in the corridors outside the executive chambers, reporters hungry as a shoal of fish; but etiquette of course forbade the old lady and her escort to talk to them. They were escorted into an inner office to wait.

The Governor's time was given up entirely to the hearing of pleas. People came in groups, every sort—lawyers, clergymen, social workers, labor leaders, writers—he saw them, and took pleasure in puttng to each lot his string of "posers": Did you attend the trials? Have you read the record? Have you talked with the witnesses? Then what do you know about the case? When they set out to tell what they knew, he would not always listen. Said Arthur Garfield Hays, attorney from New York: "I wish to talk to you about the Department of Justice files." Said the Governor: "Who wrote that editorial in the *World*?"

Cornelia was escorted to her seat in the torture-chair, and the automatic smile and the cold agate eyes were fixed upon

her. Other eyes also: Mr. Joseph Wiggin, the Governor's personal attorney, and Attorney-General Reading, and another lawyer. They never left him alone now, there must be witnesses to every word he said, and expert football players to employ what was known as "interference"—jumping in and protecting him, to keep him from revealing his ignorance about the case.

It was as Henry had said—he was a Roman senator, and did not want to talk about mercy. He wanted to pin this old lady down, and vent his exasperation at the trouble she had caused him. He did not say in so many words that she was to blame for all the lunatics carrying placards outside on the street, but that was the meaning of his attitude. Since his decision had been announced, he no longer had to pose as open-minded; he might be the bitter advocate, asking questions, and not paying any attention to her answers. "If Vanzetti was an innocent man, why didn't he take the stand at Plymouth? Why leave his alibi to a twelve-year-old boy?"

"He produced eighteen alibi witnesses, Governor, and he could have got more if his lawyers had worked. We have found a dozen since."

"If Sacco and Vanzetti were good men as you say, why were they intimate with a man like Boda?"

"But what have you against Boda, Governor?"

"I have sources of information, Mrs. Thornwell."

"Boda was brought into the trial, and even Judge Thayer had to throw him out. They dragged in all that tale about the Coacci shed, and about Boda's little Overland car—on purpose to make the jury think they had a bandit-gang—"

"I don't understand you, Mrs. Thornwell; there is nothing in the record about Boda's Overland car."

"Why, Governor, of course it is there! I heard it in court, and I have read it a hundred times."

"You are mistaken, I am certain." It was a great man speaking. "Wiggin, is there anything in the record about Boda's Overland car?"

"Nothing, Governor, that I have ever seen."

What could Cornelia say? She could challenge him, of course, demand the record, and show him; or she could offer to send him the citation in a couple of hours. But what effect would

it have, except to annoy him? Several persons had had this same experience, and had told her about it. Three times in the course of a brief interview, Cornelia would have to let him make incorrect assertions about the record. She must be tactful, and try to keep him smiling; for he was a man, and a Roman, and he did not like women butting in, arguing, correcting. Woman's place was the home!

XIV

The salesman of motor-cars rested upon the authority of greater minds than his own. "Mrs. Thornwell, I appointed a commission to investigate this case, and I assure you, if a single one of those gentlemen had thought there was a doubt of the men's guilt, I would not have taken this stand. But here you have three impartial referees—"

"Judge Grant had expressed a belief in their guilt before you appointed him, Governor."

"I have heard that gossip, but you should not repeat such a thing unless you know it to be true."

"But Judge Grant has written his opinion of Italians—he practically called them a nation of pickpockets."

"Where do you get that? I never heard such a tale!"

"I have the book upon my table at home, Governor, and I will send it to you if you wish."

But what he wished was to change the subject quickly. "I have had witnesses coming to this room for two months—person after person, assuring me of their identifications—"

"But Governor, even Judge Thayer had to throw out the identification testimony before he got through with this case!"

"What do you mean—throw it out?"

"I thought you had studied Judge Thayer's decisions. In his 1924 decision he said: 'These verdicts did not rest, in my judgment, upon the testimony of the eye-witnesses.' "

"What did he say they rested upon?"

"Upon the consciousness of guilt." So then the Governor hastened to talk about the consciousness of guilt. Sacco and Vanzetti had lied when they were arrested, and they had lied on the stand, and their lies were manifest and had been exposed, so that no sensible person would dispute them.

"Granting your argument, Governor—"

"So you are prepared to admit that there was perjury in the case?"

"I am trying to find out where the argument leads us. If both sides made up testimony—and certainly we know that there was a great deal of it on the side of the prosecution—"

"I don't know anything of the sort, Mrs. Thornwell."

"You must know that Erastus Corning Whitney perjured himself."

"Erastus what? I never heard of any such witness. Do you know of any such, Wiggin?"

Cornelia broke in. "Pardon me, Governor, I was not setting a trap for you. Erastus Corning Whitney is the real name of the man who took the stand and swore that his name was Carlos E. Goodridge, and thereby manifestly perjured himself. So, as I say, if we assume perjury on both sides—"

"Then we can say that one cancels the other."

"Pardon me if I point out the fallacy, Governor. To begin with, the prosecution has to establish a case. When you wipe out the witnesses of the prosecution, one by one, as we have done by our new evidence, there is no case left, and under the law the men are innocent—quite regardless of whether some of their Italian friends may have taken the stand and made false alibis for them."

"Why should innocent people have to be defended by perjury, Mrs. Thornwell?"

"For only one reason that I know, Governor—that they know positively the other side is preparing a perjured case against them. We have established that, but we have never had any judgment upon it, except that of Judge Thayer."

One of the lawyers here considered it advisable to justify the high fees which the Governor was paying him out of his private purse to sit day by day and listen to these wrangles. "Mrs. Thornwell," he interposed, "you overlook the fact that the Supreme Judicial Court has passed upon Judge Thayer's rulings. As good citizens, we must have some belief in the competence and disinterestedness of our highest court."

Cornelia turned her brown eyes upon him. These eyes had somehow lost their softness, and had a sparkle that might be

malice. "Are you going to advance that doctrine in your new brief on the Jerry Walker case?"

"My God!" thought the legal gentleman, and it took all his blue-blood inheritance and Harvard training to keep his annoyance from showing on his face. He relapsed into dignified silence, and pretended not to see the look of mischief which his enemy Henry Cabot Winters shot at him. Truly a comical situation: This gentleman, who was counsel for the Governor in the Sacco-Vanzetti case, also was one of the counsel for Jerry Walker, and was on the point of filing before the Supreme Court of the United States an application for a writ of certiorari, to take that case away from the highest court of Massachusetts and reverse its decision. In that application the lawyer and his associates were going to make the most outrageous charges—implying that the Supreme Judicial Court of Massachusetts had become a "house of refuge for the rich and powerful," and declaring flatly that the judgment of the Full Court was "made in bad faith," and that "there is nothing more odious than judicial favoritism," which in this case had been "exercised in favor of bankers." A marvelous thing, that flexibility of the legal mind, which can hold two diametrically opposite opinions at the same time; sorting out truth and error into two baskets, as it were, and carrying both to market, one in the right hand and one in the left!

XV

But it didn't do Cornelia a bit of good to score points like that; it only made these gentlemen hate her. She must swallow her indignation, and come back to beg for mercy. "Remember, Governor, you must be *sure*. You are doing something that can never be undone. There is an old saying—I don't know who is the author—that 'only an infallible judge should pass an immutable sentence.'"

"Do you know that those men are innocent, Mrs. Thornwell?"

"Of course I don't know that; how could I know it—unless I had been with them at the time? But I have been studying the case for seven years, and I believe that they are innocent, and certainly I know this—that they have not been proved

guilty. I know all that I need to know—that they did not have a fair trial."

"Well," said the Governor, "I know that they are guilty, so I don't care whether they had a fair trial or not."

Cornelia stared at him; she was so taken aback by the remark that she could hardly believe she had heard it. "You know they are guilty, Governor Fuller?"

"I know it."

"But how can you know it, unless there was a fair trial—somewhere, somehow—to establish it?"

"I have sources of information, Mrs. Thornwell, which I am not at liberty to reveal. You should find out what the Italian colony thinks about this case."

"Governor, what are you saying? Some one has come and whispered into your ear, and you have been willing to believe it!"

"You cannot expect witnesses to tell all they know in the face of such peril as has been created in this community, Mrs. Thornwell."

"So then, it is exactly as Vanzetti said to me—for weeks he has been saying it: 'We are being murdered by the whispers of unknown men!' Boston has gone back to the days of Russia under the tsars, of Turkey under the sultans, of China under the mandarins! Spies come and whisper secrets, and our rulers execute men upon words which they cannot or dare not produce in open court!"

One of the lawyers thought he had better justify his fees again. "Surely it is not quite so bad as that, Mrs. Thornwell—"

"It is so bad that it cannot be worse! And I implore you, Governor Fuller—consider, before you take this fatal step, which will blast the rest of your life! You are executing men upon secret testimony—but I tell you, the world will insist upon knowing what that testimony is! History will never let you alone until you tell what it is! And when mankind has learned that it was the whispers of spies—the gossip of what you are pleased to call 'the Italian colony'—then you will face such a blast of indignation as no man can face and live!"

After that they did not want to listen to her any more. After that she was a distracted old woman who had fallen

under the influence of sinister "Reds," and lost entirely her mental balance. All they desired was to keep her from wasting the time of a busy and important public man. They would be polite, of course—even in Russia and Turkey and China the high officials were doubtless polite to old ladies of the ruling caste. "Glad to have seen you again, Mrs. Thornwell. I will give my best consideration to what you have said." So Cornelia made her way out through the crowds, with tears in her eyes for all the newspapermen to see and report.

"Henry," she asked, when they had got by themselves, "what can those whispers be?"

Said the lawyer, "There's a man in that State House crowd who will talk with me, and I'll see if I can find out."

XVI

Michael Angelo Musmanno was in Washington, haunting the empty chambers of the United States Supreme Court. The justices were on vacation, but he lodged in the office of the clerk the two appeals from the Massachusetts courts. He entered the formal appearance of Hill and himself, paid the docketing fees, and the only thing remaining to perfect the appeals was the record of the case, which the clerk of the Dedham court had promised to send but which had not yet arrived. This was later secured, and duly filed.

But this procedure did not of itself postpone the execution, and Monday midnight was the hour set. Would any judge order a stay of execution? The lawyers were rushing to this one and that; it was a free-lance matter now, every man for himself—but still they found time to form opinions of one another. The Boston lawyers thought they knew Boston; they were conservative, and did things in a dignified manner, and held newspaper reporters off at the end of a ten-foot pole. The New Yorkers, on the other hand, were radicals, fighting in the open, and welcoming the reporters as allies. They accused the Boston crowd of being jealous about the case—"acting like a bunch of prima donnas!" said one.

Also among the committee, the frantic last-hour antagonisms between those who wanted to save Sacco and Vanzetti as human beings, and those who wanted to make them into symbols of

the class war. Hardly a telegram could be sent, or a statement given to the press, that did not involve the controversy. The differences of ideas had become embodied in personal antagonisms. The communists were collecting sums of money for the defense, and the committee charged that this money was not coming to them, but was being used for communist propaganda. The communists replied with charges that the committee was wasting its funds upon high fees to capitalist lawyers. Charges and counter-charges—to the great glee of the enemy. The whispering gallery which was the State House buzzed and hummed with gossip. The spies came running, and the Governor's advisers were on tip-toe. "What are they doing now? What do they say about this? About that?"

The "New York nuts" organized another "death march." This time it was led by Captain Paxton Hibben, diplomat, war correspondent, and army officer; dapper, erect, and with sharp little military mustaches. He knew all about marches and parades, of course, and Boston knew him because the *Transcript* had slandered him and then had to retract and apologize. Hibben was a Harvard master of arts, and with him came Dos Passos and Hapgood, bachelors of arts, and therefore subordinates; also James Rorty, the poet; and Clarina Michelson, from Greenwich Village, a tireless soul who did the hard work; and several humble wage-earners with names never heard before on Beacon Street. They marched their allotted time—one-two-three-four-five-six-seven—with a captain of police holding a watch on them; then they were led off under escort, with the crowd hooting, and a few cheering.

At the corner of Joy Street, Captain Hibben, being in advance, commanded, sharply, "Files right!" The huge police sergeant who had him in charge looked at him, and said, "Were you in the service?" The answer was, "I was a captain in the 332nd Field Artillery in France." "Well, Captain," said the sergeant, "this is a strange place for you to be!" "If you knew as much about Boston as I do, you would be with me," said Hibben; and in the old Joy Street police station, so oddly named, they had a chat. Hibben had more than one man's share of adventures to tell; he had been second secretary in the American legation in old St. Petersburg, he had been a war correspondent in the Near East in the early days of the

war, and secretary of the Russian Red Cross for the Bolsheviks; a Chevalier of the Order of St. Stanislaus (Russian), an Officer of the Order of the Redeemer (Greek), and of the Order of the Sacred Treasure (Japan). "Holy smoke!" said the police sergeant; and on Monday morning in court he was wholly unable to remember that he had seen this starred and beribboned diplomat on the picket-line, and so Hibben was discharged. The sergeant meant it for a favor, but it was a cause of vexation to the prisoner, who had prepared a ringing statement to read in court—and now it was a dud!

XVII

The three condemned men—Madeiros always with them!—had been moved back into the death-house; into the three little cells with clean, smooth white-tiled floors, and doors that were never opened—no guard ever entered and no prisoner ever came out, except to die. Six feet in front of the cells ran a painted line, beyond which no visitor was permitted to step; at least, it had never yet happened in the history of Massachusetts, which lives by precedent.

But now Luigia Vanzetti arrived in Boston, followed by a stream of reporters, eager to make the most of this human interest story—"sob stuff" is the technical name. A frail, pathetic woman, weighing not more than a hundred pounds, and looking for all the world like a New England school teacher—she was coming to the prison to meet her brother, whom she had not seen since he was a youth. She had come all the way from Villafalletto to help him die, and naturally she would wish to step over the painted line and clasp him in her arms. To obtain this favor all the eloquence of the ladies of the Sacco-Vanzetti defense was concentrated upon Warden Hendry. They came to his office and wept, and prayed, and stormed and scolded, until at last the Commonwealth of Massachusetts broke a precedent, for the first time in its three hundred years of history.

Bart was led out from his cell, and allowed to sit in a chair on the other side of the painted line. The warden himself brought Luigia, and two guards stood by to see that she did not give the condemned man any poison, or a revolver, or an

Italian stiletto. They tottered into each other's arms, sobbing; and in a moment more the woman collapsed, and one guard had to catch her, while the other brought a chair. Bart sat, patting her gently, and for an hour they talked about all the things which might interest a brother and sister who had parted in their teens, and met again in their middle thirties, with only two days more of life upon earth together.

The twelve-year-old Dante Sacco had come with Rosina and paid a last visit to his father; a terrible ordeal for a child, to pass that canvas-shrouded death-chair, and sit listening to a faint voice, and peering at a wasted shadow of a man through narrow steel bars which must not be approached. The boy and the mother went out sobbing, the latter hardly able to walk; each one of these visits was like a spell of illness to her. The father set himself to his last task, of writing the promised letter to the "bimbo"; to leave him some permanent message which he might study when he grew older. Pitiful, rambling words of a man trying to hold his faculties in the midst of torment, and to write in a foreign language—because the "bimbo" spoke that language, and was going to an American school. "Much I thought of you," wrote the father, "when I was lying in the death-house—the singing, the kind tender voices of the children from the playground, where there was all the life and the joy of liberty—just one step from the wall which contains the buried agony of three buried souls. . . . Yes, Dante, they can crucify our bodies to-day as they are doing but they cannot destroy our ideals that will remain for the youth of the future to come. . . .

"Well, my dear boy, after your mother had talked to me so much and I had dreamed of you day and night, how joyful it was to see you at last. To have talked with you like we used to in the days—in those days. Much I told you on that visit and more I wanted to say, but I saw that you will remain the same affectionate boy, faithful to your mother who loves you so much, and I did not want to hurt your sensibilities any longer, because I am sure that you will continue to be the same boy and remember what I have told you. I knew that and what here I am going to tell you will touch your feelings, but don't cry, Dante, because many tears have been wasted,

as your mother's have been wasted for seven years, and never did any good."

XVIII

The Great Novelist who makes up history had brought it about that while Sacco and Vanzetti were lying in the death-cells, there preceded them to the land of shadows a great American lord of steel and finance: Elbert H. Gary, chairman of the board of directors and chief executive of the United States Steel Corporation, with resources of two billions of dollars. A great Christian he had been, helping to build that mighty university of Methodism from which Dean Wigless had assailed Felix Frankfurter; holder of eight honorary degrees from church universities—the most pious plutocrat who ever split his strikers' skulls and set thousands of spies to cow their souls. Before he left for his mansion above, he also wrote a message to his beloved ones, giving his *vade mecum* as a follower of the gentle Jesus. His last will and testament it was, and all the capitalist newspapers of America featured his exalted words:

"I earnestly request my wife and children and descendants that they steadfastly decline to sign any bonds or obligations of any kind as surety for any other person, or persons; that they refuse to make any loans except on the basis of first-class, well-known securities, and that they invariably decline to invest in any untried or doubtful securities or property or enterprise or business."

At this same time two anarchist wops, one of them an avowed atheist, the other a vague deist of the old-fashioned sort, were writing their last words to their beloved ones, and these words also were published. Said Nicola Sacco, with one foot in eternity:

"So, Son, instead of crying, be strong, so as to be able to comfort your mother, and when you want to distract your mother from the discouraging soulness, I will tell you what I used to do. To take her for a long walk in the quiet country, gathering wild flowers here and there, resting under the shade of trees, between the harmony of the vivid stream and the gentle tranquillity of the mother nature, and I am sure that

she will enjoy this very much, as you surely would be happy for it. But remember always, Dante, in the play of happiness, don't you use all for yourself only, but down yourself just one step, at your side and help the weak ones that cry for help, help the persecuted and the victim because they are your better friends, they are the comrades that fight and fall as your father and Bartolo fought and fell yesterday for the conquest of the joy and freedom for all the poor workers. In this struggle of life you will find more love and you will be loved."

Also Vanzetti left his message for Dante to study in after years. One day before he died he wrote a letter to a little boy whose school friends jeered him because he was the son of a murderer. Said Bart:

"I tell you all this now, for I know well your father, he is not a criminal, but one of the bravest men I ever knew. Some day you will understand what I am about to tell you, that your father has sacrificed everything dear and sacred to the human heart and soul for his faith in liberty and justice for all. That day you will be proud of your father, and if you become brave enough, you will take his place in the struggle between tyranny and liberty and you will vindicate his name and our blood.

"Remember and know also, Dante, that if your father and I would have been cowards and hypocrites and renegades of our faith, we would not have been put to death. They would not even have convicted a leprous dog; not even executed a deadly poisonous scorpion on such evidence as that they framed against us. They would have given a new trial to a matricide and habitual felon on the evidence we presented for a new trial.

"Remember, Dante, remember always these things: We are not criminals; they convicted us on a frame-up; they denied us a new trial; and if we will be executed after seven years, three months and seventeen days of unspeakable tortures and wrongs, it is for what I have already told you; because we were for the poor and against the exploitation and oppression of man by man."

CHAPTER XXII

THE CITY OF FEAR

I

"THIS is our career and our triumph," Bart had proclaimed; and assuredly never had "a good shoemaker and a poor fish-peddler" caused such excitement in the world. On Saturday, two days before the execution, there was an order for a general strike in Buenos Ayres; in Berlin a protest from the trade unions, and the first radical meeting ever held in the former House of Lords of the Kingdom of Prussia; in London a mob of ten thousand in front of the American embassy; in Geneva a call for the boycotting of American goods; in Russia enormous protest meetings in every city; in Paris a hundred thousand workers parading, carrying red flags and huge placards denouncing American justice; tourists being greeted with shouts from thousands of throats, "Pardon! Pardon!"—and as a rule finding it prudent to reply, "Vive Sacco et Vanzetti!" The workers were bewildered by the spectacle of Puritan severity, and helpless in the face of it. Pierre Leon, editing a French communist paper, cabled to Joe Randall: "What can we do?" Joe's answer was: "Repudiate the debts." But that, alas, was not an immediate program; the best the French could do was to fail to pay them.

Only in Massachusetts itself was silence. Boston under the iron heel, and civil rights subject to revocation. One simple rule, easy for all to understand: do what the police tell you and keep your mouth shut. Superintendent Crowley had requested the mayor to cancel all the eighteen speaking permits on the Common, and thus free speech was dumped out of the "cradle of liberty." The defense committee was trying to hire a hall for a last minute protest-meeting, but the police made a round of the halls and warned the owners; if they rented to the Reds, they would lose their license. It was a trick which

"Mickey the Gunman" had been working for several years; by means of it he had suppressed a young Lithuanian named Bimba, who proclaimed himself an atheist, and annoyed the Catholic priests. The police would close up halls, on the ground that they violated fire ordinances; something which, in an old city like Boston, a great many buildings did.

At the last minute the defense committee succeeded in finding a hall, and on Saturday evening a pitiful meeting was held, with almost as many "cops" as audience. A speaker started to describe what was going to happen in Charlestown prison on Monday midnight, and a police official stepped forward, saying, "No more of that, or we'll shut you up." So the orators discussed the case in abstract terms, not saying anything rude about governors or college presidents, nor using bad words like "anarchistic bastards." Paxton Hibben spoke, military and incisive; Powers Hapgood, fiery and determined; Alfred Baker Lewis, who seemed like a big but very serious boy; then Betty Alvin, for the Back Bay; and—miracle of miracles—a Catholic lifting his voice for two infidels! The members of the Boston police force rubbed their eyes as the Reverend Francis Xavier Regan took the platform, and told the story of Caleb Cunningham, the wealthy resident of Milton who had shot and killed the Swede, John Johnson, for cutting wood on his land, and had been so considerately treated by the authorities of Norfolk County. One Catholic remembered the humble origins of his Church—even in the diocese of His Eminence, "Big Bill"!

A call had been issued for labor union delegates to meet on that same Saturday evening, to consider plans for a general strike. Since it was manifestly too late, the police did not interfere. About fifty workers attended, mostly from the Italian barbers and the Jewish needle trades; the American workers present might have been counted on the fingers of one hand. The American workers were out on the roads in second-hand cars with their families, eating hot-dogs and drinking soda-pop; they were at the movies, watching poor girls marry millionaires and poor boys make fortunes overnight; they were shooting craps and playing poker and drinking home brew. Assuredly they were not out on the streets, getting their heads broken for any wops.

Michael Gold went about listening, and reporting public

sentiment in Boston. A young sailor prowling in Scollay Square, on the hunt for women: "They ought to be burned; they insulted the flag." A clerk drinking ice cream soda at a fountain: "All them Italians look like murderers to me." A timid little groceryman expressing himself over the counter: "Yes, maybe they are innocent, but we gotta bump 'em off, or we'll all be bombed in our beds." A telephone girl, hearing an Italian voice complaining of a wrong number: "Aw shut up, you Guinney rat, wait till you see what we do to you on August 22nd!"

All this they had got out of their newspapers, of course. For a brief time there had been a break in newspaper solidarity regarding the Sacco-Vanzetti case; an editorial writer of the *Herald* had won the Pulitzer prize of 1926 for an editorial demanding a new trial. But now his voice was silent. The department-stores were clamoring to have an end to the public anxiety; business had fallen off, because women, who do most of the shopping, were afraid to go about. The only industry which was thriving was that of riot and bomb insurance; the companies wrote it to the amount of eight hundred million dollars, and didn't have to pay one cent! A net profit of a cool million to the companies, and a corresponding loss to Boston merchants. Preposterous that two wops should cause such trouble! The newspapers, which thrive upon department-store advertising, made one sweet harmony: "Stand by the Governor and the courts." In the profession, Boston was known as "the poor-house of journalism."

II

Cornelia, splashing around frantically for a straw to catch hold of, bethought herself of Cardinal O'Connell. Luigia Vanzetti was a faithful daughter of the church, and a pitiful figure; perhaps she might be able to tempt the great man into making an appeal for clemency. So Jessica Henderson came with her limousine, always there to help the Sacco-Vanzetti defense, and they drove the anxious, fearful little woman out to the summer home of the great prelate at Marblehead. He was on the lawn with his dog when the party arrived, and Mrs.

Henderson's daughter went to ask if he would see Luigia. "Bless her heart, of course," he said.

He was cordial, charming, as he knew how to be when it was worth while. He served tea himself, and remarked to Cornelia, "It may be a long time before you have a cardinal pouring tea for you again." He chatted with Luigia in Italian, and Cornelia could understand enough to know that he was sympathizing greatly, and doing nothing. Afterwards he wrote and gave to the papers a statement on the subject which was a masterpiece of diplomatic piety: "Human judgment is fallible at best. . . . But the judgment of God is perfect and in the end He and His ways, mysterious as they are, are our hope and salvation." Said the sarcastic Betty: "Now we know why God was invented—so that princes of the church may dodge their moral responsibilities!"

Futile to try to make headway in Boston, with the weight of such authority against you! The local liberals were hamstrung by the Lowell report. If Mr. Lowell said it, it must be so, and who are we to set ourselves up against him? Likewise Bishop Lawrence had clambered onto the bandwagon. Having asked the Governor to appoint an impartial commission, he now accepted the impartial decision, and commended the Governor for his firmness and courage. He did this in a letter, which appeared in the press.

There they stood, the three intellectual and spiritual guides of Boston: the Cardinal of the Holy Roman Catholic Church, the Bishop of the Protestant Episcopal Church, and the President of Harvard University. When a stranger inquired concerning them, he was struck by a curious fact: the first statement about any one of the three would be that he was an efficient administrator of enormous properties. This was not his fault, of course; the properties were there, and must be administered; but the automatic effect was this, that if you were to go to any one of the three administrators, and make a remark suggesting that he should act upon the creed he taught, he would begin to watch you to see whether you were the dangerous kind.

The Cardinal of the Catholics was exiling rebellious spirits to the backwoods, and raising up a generation of young clerics who were at once preachers, politicians, and real estate ex-

perts; you could know when one of them was in favor by the fact that his mother and father, brothers and sisters, cousins and aunts, moved immediately into expensive residences. As for the Bishop of the Blue-bloods, he had a father who helped to finance John Brown's expedition to fight slavery in Kansas; the son was known as the best money-raiser in New England, and had turned his vast organization into a school of social propriety. When it was a question of a blue-blood church official accused of undue intimacy with choir-boys, you would see this well-bred bishop as anxious to have the law not enforced as he was to have it enforced against anarchist wops.

As for President Lowell, he would boast that every professor in his great institution enjoyed complete freedom of speech, and when some one asked him how he could manage anything so dangerous, he would smile and say that it was easy if you were careful whom you allowed to become a professor. When it chanced that a Harvard lecturer dared to attack the electric light and power interests, whose directors and bankers compose the governing body of the university, President Lowell would "fire" him, and incidentally lie to him, with exactly the same heartiness as a "wop" standing by a friend accused of banditry, or a blue-blood banker trying to save fifteen million dollars.

III

Bugles in the streets; a regiment of the state militia marching, with grim set faces—the answer of the Commonwealth to the challenge of anarchy. Airplanes flying overhead, watching for bombers in the sky. Military squads on duty at every public building, suspicious of every foreign face, and now and then stopping a passerby to search a bundle or open a suitcase. Every policeman on twenty-four hour duty again; sitting in the station-houses, and now and then called out for a wild ride or a gallop, on account of a bomb-scare. The firemen also on twenty-four hour duty, and all armed. The American Legion mobilized to guard the homes of the rich and the great. Every judge, juror, prosecutor, witness, or official who had ever had anything to do with the Sacco-Vanzetti case

was being protected, and there was no foolishness about the protection.

A man hopped out of an automobile at the home of President Lowell, and started towards the rear entrance, carrying a heavy black bag. They did not stop to ask him who he was or what he wanted, they hit him over the head and laid him out—and then ascertained that he was delivering a load of that heavy aluminum ware which is the latest fad in fancy cookery for the rich. A young Catholic priest stepped off the train in South Station, arriving from the west for a holiday; he went to the information bureau and said, "Will you please tell me the way to the State House?" "Certainly," replied the clerk, and called a policeman, saying, "This man wants to know the way to the State House." The kind-hearted policeman said he would escort him, and led him to a patrol-wagon, and drove him to the nearest station-house, where they held him "incommunicado" for twenty-four hours.

The great Commonwealth had told ten thousand lies; and now for every lie there was a club and a bayonet. If you wished to oppose the lies, there was just one way—put your head under the crashing clubs, throw your body onto the gleaming bayonets. This was not merely the law of Massachusetts, this was the law of life, the way by which lies have been killed throughout history. The friends of the defense confronted this crisis, and either went forward and took the punishment, or shrunk back and sneaked away with a whole skin and a damaged conscience.

Terrible scenes in the Thornwell family. In "Hillview," Great-uncle Abner storming, because the Governor had been browbeaten once, and might yield again; Abner declared that he would wheel himself all the way to Boston, thirty miles or so on the public highway, and present himself at the Governor's office to demand the death of the two anarchists. On the other hand, in the tenement on the north side of Beacon Hill was Deborah pleading and praying to her daughter, not to throw away her life, not to disgrace herself and her innocent and helpless family.

Cornelia was not going to get arrested; she was motoring with Mrs. Henderson to make an appeal to Justice Brandeis of the Supreme Court. But Betty had pledged herself to carry

a placard on the Common, and Joe also. They had sent out a call for a thousand demonstrators, and at least two were going to respond. Nothing that Deborah could say would have any effect; no tears, no prayers. "They are surely going to arrest me once," said Betty, and laughed, a trifle hysterically. "They are not going to murder Bart and Nick without arresting me at least once!" When Deborah brought in the sacred names of little Rupert Alvin Thornwell Randall, the unnatural mother made reply: "The best thing that could happen to him would be for me and Joe to be clubbed to death, so that you and Father could raise him to be respectable!"

That was late Saturday night, after the meeting in Scenic Auditorium. Deborah stayed in town that night, and telephoned to Rupert, who gave up a service in his new private chapel, the joy of his life, to come and add the immense weight of his authority. But Betty did not even wait to see him; she went off to a gathering of the "New York nuts," who were making cardboard signs to wear while undergoing martyrdom. Her Uncle James Scatterbridge came upon her in the lobby of the Hotel Bellevue—most fashionable of hostelries, adjoining the State House, where a group of the leisure class "nuts" had made their headquarters, to the great dismay of the management.

Uncle James came there, with blood in his eye, looking for his Josiah, intending to take him captive by force if necessary. But James's Josiah was hiding, and when his father actually found him, he was walking on the outskirts of the Common, with a policeman holding each arm, and a jeering crowd all around. James pushed his way through and took charge, to the relief of the "cops," who had been told to make as few arrests as possible. There followed painful hours for both father and son; but do not worry too much, for it will turn out happily in the end—the great cotton-master will be able to keep his son's name out of the papers, and also be able to make his Josiah into a mildly successful young business man. They will look back on this adventure some day, and the older will be secretly rather proud of the younger's nerve. "A damned fool, of course; but then, we're all damned fools when we're young."

IV

Boston Common is an irregularly shaped park, comprising, with the Public Gardens, about a square mile. It is laid out with rambling paths, and has a Monument Hill, with cannon and other trophies; there are greenswards, groups of trees, a band-stand with benches, the "Frog Pond," and in the Public Gardens a little lake for boats. The State House with the golden dome overlooks it from one corner; the Park Street Church, the Union Club, and many of the homes of the old families on Beacon Street. On the other side is Tremont Street, with the fashionable shops; and from the end of the Public Gardens starts Commonwealth Avenue, where the Alvins lived. All very fashionable, in a dignified way, mixed up with history and tradition, taking itself seriously. In the old days, this Common had been the place where the villagers pastured their cows; now it was a place for nursemaids to flirt with sailors from the ships, and for out-of-works to study the "help wanted" ads in the newspapers. On Sunday afternoons all the religious cranks, the holy rollers and the Salvation Army, shouted under the trees along the mall; also the atheists and the socialists and the single taxers, and those who refuse to believe that the earth is round.

But this Sunday, August 21st, all that was off, and for a year to come. There was a band concert and a radio concert to keep the crowds occupied; also two ball-games, and two impromptu dog-fights. Twenty-five thousand people came —having read in the papers that some new-style martyrs were going to feed themselves to the lions.

One thousand had been called for, and fourteen came. The lawyers were in part responsible for that, having strenuously urged against it. The demonstrators would be sure to get their heads clubbed, and could only do harm to the case by cheap notoriety. Those who were troubled by the former consideration were glad to have the latter for an excuse. The few stubborn ones who insisted upon coming were troubled by both considerations, but of course would only admit the latter. They brought little rolls of cardboard, printed with Sacco-Vanzetti protests, to wear over their shoulders, and made their rendezvous in a corner drug-store, eyed suspiciously by the pro-

prietor, because they looked fidgety and queer, not at all "Boston." The job had fallen mostly to the "New York nuts."

There was John Dos Passos, faithful son of Harvard, and John Howard Lawson, another one of the "New Playwrights" from Greenwich Village. There was Clarina Michelson, ready to do the hard work again, and William Patterson, a Negro lawyer from New York, running the greatest risk of any of them, with his black face not to be disguised. Just up Beacon Street was the Shaw Monument, with figures in perennial bronze, of unmistakable Negro boys in uniform, led by a young Boston blue-blood on horseback; no doubt Patterson had looked at this, and drawn courage from it. To uphold the high traditions of the city, there came Betty Alvin and Joe Randall, considered a Bostonian-in-law; also James's Josiah, more scared of his father than of the police; and Margaret Hatfield, whose father was a prominent Republican, treasurer of Middlesex county. Margaret had taken the precaution to "dress the part," so she was safe, though she couldn't be sure of it. Her mother was behaving exactly like Betty's mother, wandering about the Common twisting her hands together, and moaning to herself, "Oh, *why* do they have to do it?"

V

"Come on, you sons-of-bitches, do you want to live forever?" So, according to army tradition, a sergeant shouted to a squad, going "over the top" in the Argonne forest. It is an idea which, with or without the language, has animated martyrs through the ages. They have walked to the lions, they have walked to the stake and the gallows and the guillotine, and other forms of terror; now they walked to the clubs and the bayonets—a little group from the corner drug-store, quaking inside, and trembling in the knees, but setting their teeth and holding their heads high. As it happened, none was to be seriously hurt, but they could not know that; pain is pain, and a cracked skull, or the hoofs of horses in your stomach, are as unpleasant as any other form. Come on, you New York nuts, do you want to live forever?

The Common stretching before them. The mall, where the speaking should have been, is closed by a cordon of police; no

use to try it there. They get out on the concrete walk, and then look at one another anxiously. Are they in a good place, among the crowd? Some one says yes, and with trembling fingers they unroll the placards and put them over their shoulders. The bystanders see, and cheers go up. Crowds begin to gather; they have been wandering about, waiting for something to happen, and here it is! "Hurrah for Sacco and Vanzetti!" "Save Sacco and Vanzetti!" At once a counter demonstration: "Down with the Reds! Lynch them!"

The little band of martyrs walk on, seeing nothing, hearing nothing; a trifle dizzy with the excitement—that rare mood of martyrdom, more wonderful than drunkenness. You walk upon the air, into the clouds; the earth and the limitations of the flesh no longer exist; you have transcended them all, you belong to the ages, you speak to God. "Wir sind all des Todes eigen," sings the German poet—"we all belong to death." We have seen such wickedness upon earth that we choose rather to die than to let it prevail.

"All right," says the world, "if you want to die, we are willing!" The lions roar; if you want to be eaten, their stomachs are made for the purpose! Here come the police, clubs drawn. "Enough of that now! Take off those signs and get out of here!" They try to grab the signs, and the marchers dodge this way and that, to protect them as long as possible; bystanders grab at the signs, others try to block the way of the "cops." The clubs begin to fall; a disagreeable sound, the thud of hickory on human flesh and bone.

Here come the mounted men, riding through the throngs. "Look out for yourself!" Women shriek; the horses charge straight ahead, knocking people down. A strange experience for a daughter of the best families—Betty can hardly believe it; she thinks the horse will swerve at the last moment; then she realizes that the rider means to run her down, and she leaps too late, the shoulder of the passing horse strikes her and sends her spinning.

The trooper speeds on; he has spied the black face, and wants that most of all. The Negro runs, and the rider rears the front feet of his steed, intending to strike him down with the iron-shod hoofs. But fortunately there is a tree, and the Negro leaps behind it; a man can run round a tree faster than the best-

trained police-mount—the dapper and genial William Patterson proves it by making five complete circuits before he runs into the arms of an ordinary cop, who grabs him by the collar and tears off his sign and tramples it in the dirt, and then starts to march him away. "Well," he remarks, sociably, "this is the first time I ever see a nigger bastard that was a communist." The lawyer is surprised, because he has been given to understand that that particular bad word is barred from the Common; Mike Crowley was so shocked, two weeks ago, when Mary Donovan tacked up a sign to a tree: "Did you see what I did to those anarchistic ———? Judge Thayer." But apparently the police do not have to obey their own laws.

The "Black Maria" is in readiness, and comes with clanging bell, and the prisoners are loaded into it—all but the "nigger bastard." He has to be walked to the police-station—because it would not be decent for him to ride in the same patrol-wagon with his friend Clarina Michelson! The others are driven off—and when they get to the La Grange Street station-house and compare notes, they discover that they have lost their blue-bloods! Betty is missing, and her husband, and her cousin James! Margaret Hatfield is missing! Even in the midst of that excitement, the police have found time to consult the "social register"! A little later they turn loose John Dos Passos—no Harvard graduates wanted! The only ones they arrest are five workers, two named Sansevrion, one Schulman, one Amari, and that Cosimo Carvotta against whom they have a special grudge, on account of having lied about him in the police court after the previous Sunday's arrests.

VI

In the La Grange Street station they found Paula Holladay, waiting for some company. No story of that last Sunday would be complete without the Odyssey of Paula, who had made a parade all by herself—and a long one! She was the founder of "Polly's," a Greenwich Village café renowned in song and story; that summer she had been running a restaurant in Provincetown, on Cape Cod. Her conscience began to gnaw at her, and she decided to do what one woman could to express a sense of injustice. She turned her business over to a friend,

and put on a sign reading, "Is justice dead? Save Sacco and Vanzetti," and set out to walk from Provincetown to Boston, a distance, as the "nut" walks, of a hundred and twenty-five miles.

Now and then on the route, women working in their gardens would see that sign, and follow along on the other side of the picket-fence, saying, "I wish I had a shot-gun in the house, I'd show you what I'd do to you!" Ladies in automobiles would stop to express the same sentiment. But apparently the shot-gun is an obsolete instrument in Massachusetts, for Paula reached Boston with a whole skin, except for a blister on the heel. She joined the other nuts, and learning that the police were destroying all banners and signs, she painted her message on a red "slicker," or waterproof coat, and sallied forth onto the Common thus garbed.

She was passing the bandstand, when the first "cop" spied her, and took her in tow. A crowd gathered quickly, and there were waves of shouting, some for, some against. The policeman's hand began to tremble on the woman's arm. "Why are you so nervous?" she said—after which he managed to control himself. Another came to his aid, and then two mounted men, who kept her between them, safe. When she told them that she was determined to stay on the Common, they conducted her to the police-station. "What is the charge?" she demanded; the answer was, "Oh, never mind that, just lock her up."

Presently came "Mike" Crowley, having kissed the Blarney stone that morning. "Now it would be too bad for a nice-looking young lady like you to get into any trouble that might get her on the books here." The answer of Paula was, "I am neither so young nor so good-looking, and I am not afraid to get on the books. I want to know whether I am kept here by force without any charge." When he wouldn't answer, she said, "I will find out," and started to leave; so then he put his hand upon her shoulder, and she was there by force. They kept her until evening, when there were no more crowds upon the Common, and no more harm to be done by the wearing of a red "slicker" with the question, "Is justice dead?"

VII

The lawyers were making another attempt to open the Department of Justice files, and they appealed to Governor Fuller for a respite until the documents could be studied. Arthur Hill asked also for time to permit the United States Supreme Court to consider his application. The Governor followed his usual policy of declining to say what he would do; so the lawyers were racing about from one country-place to another, trying to persuade some judge to order a stay. In those last hectic days they put the matter before a dozen different judges, representing the Superior Court and the Supreme Judicial Court of Massachusetts, and the District Courts and the Supreme Court of the United States.

Mr. Hill journeyed to see Justice Holmes at his place in Beverly, on the North Shore: Oliver Wendell Holmes, son of the poet, eighty-six years of age, respected by all liberals, because he and Brandeis invariably wrote a minority opinion when the court made further restrictions upon human rights in the interest of privilege. The old gentleman now said that he did not think he had the power to interfere, but wished them luck with some other justice who might think differently. "Unofficially," he said that Sacco and Vanzetti could not have got a fair trial in 1921.

They went to Louis Brandeis, their last hope. A Jewish lawyer of great ability, Brandeis had begun practice in Boston, and made a fortune early, and then turned against the system, and became an advocate of the public interest, and therefore one of the most hated men in the city. When Woodrow Wilson had named him for the Supreme Court bench, there had been a howl from State Street, and no voice louder than that of President Lowell of Harvard. Nevertheless, the radical Jew had got in; and now he had the greatest chance of his career —and missed it.

The Court was composed mainly of hard-boiled corporation lawyers, selected by President Taft—now the Chief Justice—and by Harding and Coolidge. Undoubtedly these men would have reversed any action that Brandeis might have taken; but at least it would have been a gesture, and a crown upon a great life. Cornelia spent Sunday afternoon arguing and plead-

ing with the justice, but in vain; telegrams came raining upon him, in vain. He was bound, like all other judges. It so happened that Rosina Sacco had occupied a house belonging to Mrs. Brandeis in Dedham, and this constituted "prejudice." The justice could not be persuaded that prejudice in favor of mercy was different from prejudice in favor of one interest against another. Vanzetti commented upon this singular situation in a letter to Harry Dana—almost the last words he wrote:

"So it is coming to pass that some justices repel our appeal because they are friendly with us, and other justices repel our appeal because they are hostile to us, and through this elegant *Forche Caudine* we are led straight to the electric chair."

These nine elderly gentlemen who did the real governing of the United States were overworked, and in dread of taking more upon their bowed shoulders. They had the task of telling the American people what laws they might pass and what laws they might not pass; what their laws meant, or ought to mean; in short, what served the propertied classes, and what threatened them. An enormous task; and the old gentlemen contemplated with dismay the idea of opening the sluice-gates and letting in more work upon themselves.

They dealt with the law, they said, and never with the facts. But when there came an emergency where it seemed necessary to deal with facts, they would find a way to do it. The Supreme Judicial Court of Massachusetts had just shown that in the Jerry Walker case, where the jury had decided the facts against the interest of the fellow club-members of the Court. The Court had stepped in and considered such facts as they pleased, and like all special pleaders they had stated the facts on their own side, and suppressed the facts on the other side. But in the case of Sacco and Vanzetti there were no vast sums of money at stake—only the lives of two wops. "It were better that you be ruined than that the law be changed for the likes of you!"

VIII

Cornelia came back to her apartment on Sunday evening, beaten and exhausted. Betty was over at defense headquarters, helping to organize the new arrivals and plan the last demonstra-

tion. Poets, writers, artists—all persons, old and young, with an urge to martyrdom—were pouring into Boston, and in front of the State House they would have their chance. Betty was lame from her effort to upset a horse, but was sticking to her desk; she had not been to bed the night before, and was not going to-night. "Plenty of time to sleep after Monday midnight," she said. "Bart and Nick will keep us company."

Joe was at the headquarters of the new "Citizens' National Committee, which was concentrating its efforts upon trying to persuade the Federal authorities to accept their responsibility in the case. The committee was sending and receiving hundreds of telegrams every day: obtaining signatures to a petition to the President of the United States, asking him to intervene, according to the precedent set by Woodrow Wilson, when the State of California had been on the point of executing Tom Mooney. But there was an important difference between the two cases; Mooney was an A. F. of L. man, and labor had to be handled gingerly in war-time. But now there was what capitalism calls "peace," and Sacco and Vanzetti had no standing in the court of power-politics.

The President of the United States was that "Cautious Cal," whom we saw shot up on the Massachusetts escalator. "Keep cool with Coolidge," had been the slogan which had got him the greatest vote ever given to a wizard of prosperity. Now the wizard was keeping himself cool upon a high mountain peak in Yellowstone Park. He knew the way to do nothing, and do it more systematically, than any man who had ever held the office. He had as much idea of dipping his fingers into that boiling Boston caldron as he had of spending his vacation in the mountains of the moon. Hundreds of dollars were spent collecting signatures to a petition, and thousands were spent by individuals telegraphing direct. The messages came by the basketful, and served to start the evening fires for a chilly and frugal New Englander.

Musmanno was at Hill's office, trying for a long-distance telephone connection with Chief Justice Taft. This elder statesman was in Canada, where he could not legally sign a writ; it was Musmanno's idea that he might come to the border, and there at least hear a petition. The young lawyer had an airplane ready, and would start that Sunday night. He sat at

the telephone from seven in the evening until four the next morning, but the great jurist was able to find some perfectly good legal reason for staying where he was.

IX

Deborah was in the apartment, waiting for her mother, to plead with her not to kill herself in this dreadful crisis. Cornelia was hardly able to get up the stairs without help; yet unwilling to go to the Alvin home, where there was an elevator. She could not sleep; she must lie on the bed, with the telephone receiver to her lips, asking for news. She would sink back, and Deborah would think she was resting—but no, she was getting ready to call Mr. Moors, to see if he could not induce Mr. Lowell to induce the Governor to grant a few more days! She was appealing to Hubert Herring, a young Congregational clergyman who had risked his job, getting a dozen other clergymen to sign an appeal to the Governor!

Mother and daughter shouted to each other across an abyss, and just now the abyss was full of thunder, and it was hard for voices to get across. "Mother! Mother!"—Cornelia heard a faint cry—"You think more about two Italian anarchists than you do about any member of your own family!"

"My dear"—Cornelia shouting back—"no one is planning to murder any member of my family."

Deborah would take a sentence and meditate over it, until an answer became so urgent in her bosom that she would try once more. "Mother, there are other kinds of unhappiness, almost as bad as being murdered."

"My child, that is God, trying to break the hard shell of your pride."

Cornelia phoned to Arthur Hill's office. His daughter-in-law was in charge of the phone, and would tell her if there was any more news. There was none, and Cornelia hung up, and sat staring before her with a face of torment. Deborah's heart ached, but the only way she could help was to diminish her mother's interest in those dreadful Italians! "Mother, Henry has become positive that both those men were dynamiters." And again: "Mother, I believe you really prefer dynamiters to law-abiding people!"

Make allowances for Cornelia. These family disputes, that go on for years and years and never get anywhere, are hard upon the nerves. Said the mother: "I prefer the dynamiter who cares about justice to the most law-abiding person in the world who doesn't!"

The telephone rang; Deborah's older daughter, Priscilla, asking if she might come round. This had been one of Deborah's schemes—her daughter would keep Cornelia's mind occupied with news about the great-grandchildren. But Priscilla had better not mention that her mother had suggested the visit. Deborah was forever devising such little plots—always, of course, for the other person's good; and she had trained her older daughter to coöperate.

Cornelia began asking about the wife of Governor Fuller—what sort of woman was she? It seemed that Jessica Henderson and Cornelia were planning to motor up to Rye Beach, New Hampshire, the next day, and implore the help of this much-troubled lady. Deborah told what she had been able to judge from one dinner-party. Mrs. Fuller was a Catholic; and Cornelia asked, what would that mean? Could she possibly be made to understand that Jesus was to be electrocuted in Boston to-morrow midnight?

So Deborah burst out again: "Mother, do you think Jesus ever used dynamite?"

"No, my dear, it wasn't invented in those days. All he had was a whip, to drive the moneychangers out of Trinity Church." And after Deborah had expatiated upon the extreme charitableness of Trinity Church, her mother shocked her by exclaiming: "Oh, Boston, Boston, thou that givest the prophets a ride in the patrol-wagon!"

X

Priscilla came, a tall and distinguished young matron now; but she did not get any chance to tell the news about her three children. She found the poor old woman lying back on her pillow with her eyes closed, speaking in whispers which might have come from a death-bed. She took Priscilla's hand, and said, "I talk to your mother, and it means nothing to her. Let me try the next generation!"

"Yes, Grandmother," said Priscilla, obediently. "What is it?"

"Your mother cannot understand how anarchists come to be in Boston. So I try to explain to her. When I was a young married woman, about your age, I used to look out of our back windows and see pitiful children of the poor, going about in winter-time with ragged shawls over their shoulders and holes in their shoes, rooting in the frozen garbage in alleys behind the Back Bay homes. I was told that it was the will of God, so I did nothing. But now I have discovered that it is a social system. All those miles of slum tenements down in the South End, falling into ruins, with filth and litter in the alleys and mangy cats prowling—that hideousness which is the underside of our proud and pious city—that is not God, that is blue-blood old ladies and gentlemen holding acres and acres of land, inherited from their great-grandfathers, and letting the tenements fall into ruins while they wait for an increase in land values which they do nothing to produce. Is that so hard to understand, Priscilla?"

"No, Grandmother."

"Well, that is one detail out of a hundred. Your husband owns millions, because he was allowed to inherit a mountain of copper, which he did nothing to earn, and which others manage and work for him. You will inherit millions because your father is allowed to manufacture the credit of the country and keep it for his own use—no, Deborah, don't argue with me, for I know you haven't studied our banking system, even though you are a banker's wife. Mr. Lowell is a multi-millionaire because he is allowed to exploit the labor of thousands of slaves in cotton-mills—even though he never tended a spindle or managed a factory in his life. Governor Fuller is the richest of all of us, because he is allowed to sit like a robber baron of the Middle Ages, and fine everybody a thousand dollars for the privilege of driving a Packard car in New England. He talks about bandits, and really thinks they should all be executed! All of us sit on top of our privileges, and haven't the least idea of getting off; we use all the powers of society to seduce or destroy those who resist us—if necessary, we kill them for a crime, whether they committed it or not."

There were many questions that Priscilla would have liked to ask, and many objections that her mother would have liked

to register. But both of them were frightened, thinking that Cornelia might gasp out her life on that bed. So they sat silent, with distress in their eyes; and presently the poor soul was whispering again:

"My children, I have followed this case for seven years, and here is what I know about it, a frightful thing to say—from first to last there has not been one honest man who had anything to do with it on the government side: not a single one, from the policemen who lied on the witness-stand to your three blue-blood commissioners who doctored the record—every man has been seeking a pretext to carry out his will upon two fanatics whom he considers dangerous. That is the truth about the Sacco-Vanzetti case; and there lie those two men in the death-house, one of them a self-taught philosopher, a man of genius who has managed under the pressure of affliction to make himself into the most beautiful character I have ever known in my years on this earth—"

There came tears from the wrinkled old eyelids. "Sacco, too!" she exclaimed. "A man with the heart of a child!" She put out her hand and took some papers from the lamp-stand by her bed, and began turning them over. "Listen; he is writing to Inez, his six-year-old daughter; a letter which the child may have in after years, to tell her what her father was like:

" 'It was the greatest treasure and sweetness in my struggling life that I could have lived with you and your brother Dante and your mother in a neat little farm and learn all your sincere words and tender affection. Then in the summer time to be sitting with you in the home nest under an oak tree shade, beginning to teach you of life and how to read and write, to see you running, laughing, crying, and singing through the little verdant fields picking the wild flowers here and there from one tree to another and from the clear vivid stream to your mother's embrace. The same I have wished and loved to see for other poor girls and their brothers, happy with their mother and father, as I dreamed for us. But it was not so and the nightmare of the lower classes has saddened very badly your father's soul. The men of this dying old society brutally have pulled me away from the embrace of your brother and your poor mother. But in spite of all, the free spirit of your father's faith survives.' "

XI

On Monday morning, the last day, Governor Fuller came to his office in the State House at half past ten o'clock; rosy and smiling, greeting the newspapermen: "Good morning, boys; a fine day. I'll be here at my desk until midnight, boys, doing my duty." Already there were deputations waiting for him, lawyers from New York, editors, writers, labor leaders, society women —he would see them all, in batches, all day long; he would greet them with his marble smile, listen with politeness, and say: "I will take what you have said under consideration."

Some came to urge him on the other side; including the newly elected officers of the American Legion, which was holding a convention in the State House that morning. Returned soldiers who hadn't had enough of war, they were keen for this as for all other killings. They were singing the "Star-spangled Banner" at noon, when the first group of pickets began their march on the street outside.

All day long the pickets would come, one batch after another, ten or twenty at a time, with their placards of polite protest, all bad words barred. They would walk their appointed number of paces, and then the police would close about them, and take them in tow, and march them to Joy Street, and then—"Files right!"—to the police-station. The men were packed, eight into a cell, and the women in the guard-room, waiting for their bail.

There were well-known names among them. Edna St. Vincent Millay, from Rockland, Maine, home of her ancestors for many generations. Loveliest of women poets, she would find this a devastating experience; life would not seem the same after a rendezvous with murder. "My personal physical freedom, my power to go in and out when I choose, my personal life even, is no longer quite so important to me as it once was. . . . The physical world, and that once was all in all to me, has at moments such as these no road through a wood, no stretch of shore, that can bring me comfort. The beauty of these things can no longer make up to me for all the ugliness of man, his cruelty, his greed, his lying face."

John Dos Passos again, and John Howard Lawson; also Clarina Michelson, and Paula Holladay—still with her red

slicker. And Paxton Hibben—still with his speech. Alfred Baker Lewis of the Socialist Party, Harry Canter for the communists, and Margaret Hatfield, who might be taken as representing the Republicans, since her father was county treasurer. Professor Ellen Hayes of Wellesley College, seventy-six years of age, marching with a cane, and holding her head up high—the most serious hour of a scholar's life! A picturesque figure she made, in a Norfolk jacket and skirt, square-toed shoes, a little flat hat, and white hair bobbed to her shoulders; bright, eager eyes and sensitive face, now grim—the New England conscience working. "What is your occupation?" asked the clerk. "Professor of astronomy and applied mathematics." They did not book these very often!

Others to uphold the honor of "Old Boston": Catharine Huntington, who lived on Pinckney Street, with ancestry going back three hundred years in New England; Helen Peabody, and Helen Todd, suffrage workers; Lola Ridge, the poet—all these New England born, with forefathers on the *Mayflower,* or the *Fortune,* the second-best boat. This was true of Edna Millay, of Margaret Hatfield and of Dos Passos. The committee had sent out a call for everybody "with a background"—the polite Boston phrase. Nothing would count so much with the newspapers; the humble Jews and Italians and Slavs—Frishman and Pogrebisky, Chiplovitz and Chasanovitz, Pulcini and Magliocca and Spognodi—these must be content to have their names listed wrong. "What is fame?" say the British army officers. "To die in battle, and have your name misspelled in the *Gazette.*"

Betty and Joe had their chance now; the police were taking them as they came, blue-bloods and all; so near the end, they no longer worried about public opinion; it would all be over to-night, things would settle down, the dead wops would stay dead. Over in the office of the Boston *Herald,* on Tremont Street, they were putting into type an editorial, kissing the case good-by. A year ago they had been heroically demanding justice, and winning a prize for it; now what they wanted was "Normalcy." "Back to Normalcy! The asperities which have attended the Sacco-Vanzetti case in its long and tedious journey through the courts are greatly to be regretted, and should be forgotten as quickly as possible. Let us get back to business

and the ordinary concerns of life, in the confident belief that the agencies of law have performed their duties with fairness as well as justice. . . . The chapter is closed. The die is cast. The arrow has flown. The voice of the department store advertising agent has been heard in the office of the *Herald.*"—They did not publish that last sentence, of course. That was the truth.

XII

Betty and Joe marshaled all the others, and then joined the last contingent, a group of needle-trade workers, risking their jobs to go to jail. The little party came into Beacon Street, and saw a mob of thousands on the side adjoining the Common. The great iron gates in front of the State House were closed and chained. The policemen were an army, the reporters and photographers and plainclothesmen were another. The pickets were accused of obstructing the sidewalk, but really it was these others who did it.

The little group exposed their signs and began to walk. The cops closed round them, not much formality or delay; the guardians of order were tired, and the seven-minute provision got scant attention. The pickets were told to disperse, and when they walked on, paying no attention, they were shoved against the railing and closed in. "Christ, my arm!" screamed a Jewish boy, not yet out of his teens.

"What are you doing?" cried Betty, to the policeman. "You don't have to twist his arm like that!"

"Shut up, you bitch!" was the answer.

"I don't have to! I'll take your number, and make it hot for you, if you don't let up on that boy!"

"Shut your trap, and go back where you came from!"

"I came from Commonwealth Avenue, and my father is Rupert Alvin, president of the Pilgrim National Bank of Boston."

"Holy Jesus!" said the pious cop, and stopped his torture.

The reporters came running; a story for the last afternoon editions. "Have you anything to say, Miss Alvin?"

"Yes, I have a whole speech to make, but your papers won't print it."

"Give us a try!"

"Well, I'll say that the men we are murdering to-night will have a statue in front of the State House before you and I die. I'll say there are two judges whose names will be linked together in history—Pontius Pilate and Webster Thayer." Thus Betty, trembling with rage, the white and pink in her lovely cheeks coming and going like Northern lights in the sky.

"Come on, Miss," said the scared cop; and Betty walked down the street, remarking, "My husband is back there—Joe Randall; he's got a statement written out."

So the reporters went to Joe, who gave them a copy of a cablegram he had sent that day, in answer to one from Pierre Leon in Paris: "Tell the workers of the world that the way to punish Boston for this crime is to repudiate the debts. Cancel every dollar owed to America, both publicly and privately. When the first nation does that, Boston will be sorry it committed murder. When the second nation does it, Boston will take steps to bring Sacco and Vanzetti back to life." Needless to say, that did not appear in any Boston newspaper!

The old Joy Street police station, so oddly named. The main room crowded with tired and disgusted-looking policemen, and young ladies from sheltered homes, getting their first lessons in profanity. "Take these god-dam bastards to number nine." "Take them bitches to the detention room." "What the hell we going to do with this new bunch?" There were more than a hundred and fifty in all, and the old place had been built before the program of "loitering for liberty" had been thought of. The walls shook with cheering, and waves of revolutionary song:

Arise, ye prisoners of starvation,
Arise, ye wretched of the earth!

Outside in the crowd there were Reds who joined in. Boston was honeycombed with sedition, so the patriotic societies declared.

The women sat on the benches lined against the wall. They spread newspapers, for the place was in a state of filth not to be described in print; the walls against which you wanted to lean were covered with dark smears, the blood of that creature which Vanzetti termed the "bed-buck." If a woman asked for

a toilet, she was taken to a place of filth in an open cell among the men. If she asked for a drink, she was pointed to a faucet with a dipper so dirty that she would not take it in her hand. If she complained, the word would be, "Why don't you go back to Rooshia?" When your time came to be bailed out, you put up two dollars extra for the bailer; graft in Boston had become a system, a vested right. You could even have got a drink of the best liquor, confiscated from the unlicensed bootleggers, if you had looked like the right sort, and had the price. But you could not get the windows of this hellhole opened—not unless everybody would agree to stop singing Bolshevik songs.

XIII

Mary Donovan came, with bail for Powers Hapgood. He was to be her husband before long, and she had reason to be concerned about him now, for he had won special enmity. This was his fourth arrest. After the Sunday demonstration, a fortnight ago, the police had come with a warrant and arrested him again upon the more serious charge of "inciting to riot." "A bare-headed youth leading women into danger," said the police sergeant in court, and the judge said, "Six months."

Powers was nowhere to be found, and there was great alarm. For several hours nobody could find out what had become of him; then came a "tip"—he was in the "Psychopathic." That had been the bright idea of the captain of the state police. The shortest time in which anybody could get through the "Psychopathic" mill was ten days; and meantime Boston would be "back to normalcy." It was all for the prisoner's good, to keep him out of danger, said the police; the most considerate lot of sluggers that ever filled their stomachs with bootleg whisky and their pockets with bootleg graft.

A weird experience for a member of the Dickey and the Hasty Pudding Club and the Harvard Memorial Society! He was a handsome, athletic young fellow, but he looked less impressive after they had stripped him of his clothes, and put him in a dirty bathrobe. They took him to one of the wards, and put him in the very bed in which Sacco had once lain! Next to him was a man who believed himself to be God; on the

other side a man who sat with his head in his hands and never moved for hours. The attendants apparently desired to get Powers excited, so that they could put him "on the ice." They would come and make provocative remarks; a woman nurse started to express her opinion of Sacco—an ugly wop, and she pounded the bed as she said it; worse than that, he was an atheist. Powers was aware of the importance of keeping cool without any ice; he answered amiably, and with his charming smile. One attendant whispered that he was in danger, and offered to phone a doctor for him. Doubtless that was the source of the "tip."

Doctors came to examine him; all the regulation mental stuff. You believe that Sacco and Vanzetti are being framed? Are you yourself being framed? Have you a mission from God? What are your dreams? Please take this pencil and write, how much is fourteen times fourteen? If twelve is greater than ten put a dot inside the circle which is not inside the square. Did your mother have a hard time at your birth? Explain this little story, how the Pope was crowned and so the little boy died of gilt paint. If you can explain it, then it is established that you are a "nut"!

They must have found this Harvard graduate an interesting specimen, for they put him up before the whole staff that evening. They made him put on his bathrobe backwards; which he thought was to make him look crazy, but doubtless was to keep a lunatic from committing any indecency. There were forty or fifty persons, men and women; doctors, nurses and students, many flappers. They put him on the platform and asked him to explain his ideas about reforming the world; so he made them a little socialist speech, ten minutes at least. They began asking him questions: a flapper wanted to know why he thought Sacco and Vanzetti were not guilty. What did he think about the McHardy bomb—the one which had blown out the front of the juror's home? That was a catch, of course; he would say it was a provocateur job, and then they would all know he was a "nut."

He said it. He fitted perfectly into their categories. And yet—a singular development—he began to expand before their eyes, and before he stopped, he had smashed their categories. A distressing experience to scientific minds—to have their cate-

gories smashed! Some one had said of Herbert Spencer that "his idea of a tragedy was a generalization killed by a fact."

Powers had many facts, all deadly. The strike-breaking agencies planted bombs all the time, nothing simpler. It was the accepted technique of class war in the mining districts; one bomb, and the militia came and broke up the strike. It had been done right here in Massachusetts, by the great Mr. William Wood, president of the American Woolen Company; it had been proved in court, the men he had hired had been sent to jail for it. Too bad that Bostonians didn't know their own industrial history!

After this session, fifteen alienists turned in a report to the effect that the former member of the Dickey, the Hasty Pudding Club and the Harvard Memorial Society was sane; one of them added that he had better be got out of "Psychopathic" as quickly as possible, or he would make socialists of the whole staff! They held him overnight, in Sacco's bed, and in the morning they turned him loose—the first man who had ever got through the mill in one day. A triumph for a Harvard education!

XIV

Monday noon, with the execution twelve hours away, the Governor was in session with three lawyers of national repute: Arthur Garfield Hays, Frank P. Walsh, and Francis Fisher Kane, formerly a Federal prosecutor in Pennsylvania. These three were concentrating upon the subject of the Department of Justice files. They had traveled all the way to Vermont, to interview the United States Attorney-General. They had then proceeded to Washington, to interview a subordinate, and had succeeded in getting the admission that Sacco and Vanzetti were referred to in the files; also the written statement that the files would be turned over to the Massachusetts authorities, if these authorities would request it. Now the three lawyers endeavored, in vain, to persuade the Governor to make the request.

At this same hour, Arthur D. Hill was off the coast of Maine in a steamer, searching in a fog for an island eight miles out, where lived Justice Stone of the United States Supreme Court;

Elias Field, assistant counsel, was making a motion before another judge of the Superior Court of Massachusetts; Musmanno was waiting for a chance to appeal to the Governor with new arguments and affidavits of new witnesses; while Jessica Henderson and Cornelia were motoring eighty miles or more to the Governor's summer home to make their appeal to the great man's wife.

A stately home for a multi-millionaire, set far back from the boulevard, and well hidden by shrubbery. When the owner himself was there, a miniature army was on guard; twenty-six men, with several machine-guns, and seventy-five reserves in a near-by town. But apparently it was not feared that the enemy would harm the family, for now there was only one plainclothesman on watch.

The Governor's wife received the visitors courteously, and heard them to the end. Evidently the other members of the family resented the strain being put upon her, for three different persons came, seeking to cut the session short; but Mrs. Fuller would not have it so.

Cornelia knew something about the cares of office. She had realized that possibly the jauntiness of the supersalesman was merely a mask; it was his idea of being "game," the male courage which defies death and danger. Certainly it was not the same in his family; his wife had been ill, his son and daughter had been ill. "It has taken years from his life!" exclaimed the woman. "You can have no idea what it means. We, too, sit in the electric-chair." Cornelia, who had lived for forty years in a home of wealth, knew the whole story—even though in Josiah's day they had not thought about anarchists and dynamite. Somehow or other, great sums of money found a way to wreck the happiness of those who held them. Yet, no one would give them up, no one would cease the mad chase!

Cornelia poured out her story. It was one to move any woman's heart, and the Governor's lady sat with tears welling into her eyes. A little boy, her youngest child, played about the room and sat on the arm of Cornelia's chair; she told him about Plymouth, and about Trando, who had made himself a violinist; about Dante Sacco, who had bidden his father farewell in the death-cell, but had not been allowed to touch him through

the bars. She told the mother about the framing of witnesses, and some of the new evidence they had found. But even while she spoke, she read in the face of her listener that her errand was a vain one.

"I can do nothing but this, Mrs. Thornwell; I will have the Governor see you to-day, so that you may tell him these things."

"I have already told him so much," answered Cornelia. "I was hoping you would go with me to the Governor."

"No, I could not do that; it would do no good, I assure you."

Mrs. Fuller would telephone, and see to it that Mrs. Thornwell and Mrs. Henderson had another interview that afternoon. The Governor must be made to comprehend those circumstances which made it so doubtful whether the men were really guilty. The Governor's lady put her arm about Cornelia as she led her out to the car; and Cornelia thought, if only the women would run the world! But no, she had seen it happen; women went into public life, and became as hard as the men. Could it be that, as Vanzetti said, there was something fundamentally immoral about the business of dominating the lives of your fellows?

XV

Three hours later they were back at the State House, having made no stop for lunch. There were larger crowds than ever in the corridors before the Governor's chambers, more than half of them secret service men and reporters. Mrs. Fuller had kept her promise; the Governor would see the two ladies, the secretary said.

Tom O'Connor sat with them while they waited; a reporter who was now with the defense, having given up a State House job a year ago. He would tell them the news.

Delegations to see the Governor, all through that day; there had been more than nine hundred telegrams received; few of them read. Musmanno had brought more affidavits; he had had word that his application for a writ had been docketed with the United States Supreme Court. Fuller had not said what he would do. A deputation of labor men from New York had been in a while ago; Fuller had said to one of them, "I know the men are guilty, so I don't care whether they had a fair trial or

not." "He said those same words to me," said Cornelia; and then, "old Boston" speaking in her, "Don't quote me, please."

Never had there been so many sensations, piling one upon another—not in the memory of the oldest employee at the State House. The Springfield *Republican* had published a powerful editorial, underscoring the doubts as to the men's guilt; Seward Collins, publisher of the *Bookman,* had put up the money to insert it as a full-page advertisement in every Boston newspaper. The *Globe* had refused the money; others had run the ad that morning, and the State House gang was furious. Then, bright and early, who should walk in but Waldo Cook, editor of the *Republican*—sixty-two years of age, and the most respected journalist in New England. He came with a deputation of editors to see the Governor, and the private secretary tackled him. "I understand, Mr. Cook, that you got twenty thousand dollars from the defense committee for that editorial." "It's a damned lie!" said the editor.

"I suppose they get used to taking money here in the State House," said Cornelia; and O'Connor grinned. The Governor himself was no better than his secretary, when it came to repeating charges without evidence. He had said to one deputation that Professor Frankfurter had been paid great sums by the defense; he would go on saying this, even though he had been many times assured that it was false. He was obsessed with hatred of Frankfurter, and blamed him more than any other; he would accuse people of having read Frankfurter's book, and if they admitted this crime, he would not hear them any longer.

XVI

The two ladies were ushered into the presence: two persistent pests who had sneaked into a man's home, seeking to undermine his domestic peace! Nevertheless, he would be polite. He had set himself the task of remaining here until midnight, and seeing every one who came; and one person was about the same as the next.

He started at once on the aggressive. "My wife tells me that you ladies still don't think the men had a fair trial. But you must know they had three trials—one before Judge Thayer,

one before the Lowell Commission, and one which I have conducted in these rooms. I tell you that I would not ask for my own son any fairer trial than that which took place before Mr. Lowell."

Said Cornelia: "It is the first principle of our law that the accused shall be confronted by the witnesses against them. But Sacco and Vanzetti did not see many of the witnesses who appeared before Mr. Lowell."

"Surely you must realize the absurdity of such a proposition! How could those desperate anarchists have been brought every day to the State House?"

"All right, if it is too much trouble to conform to the principles of our law, let us follow our convenience—but then don't claim that it is a fair trial."

"The men were represented by the best counsel."

"Even the counsel were barred sometimes; they were not present at Judge Thayer's examination; they were limited in questioning Katzmann. Worse than that—they don't even know the names of all the witnesses. I understand that Mr. Lowell is saying that he had 'confidential information.' He is telling that to all his friends; and what place have secret whispers in a fair trial? You say that the trial before Judge Thayer was fair—yet the Lowell report admits that Judge Thayer committed 'a grave breach of official decorum.'"

"That was after the trial, Mrs. Thornwell."

"It was while he still had the various motions before him. He was still the judge of the case, and the sole judge, right up to the time he pronounced sentence last April, and automatically excluded any other judge from acting. Are not men entitled to have new evidence considered before an unprejudiced judge? And who else has considered that evidence?"

"I have, Mrs. Thornwell; and I think that I have common sense, even if I haven't legal training."

"Pardon me, Governor, but we have suffered much from inability to get you to consider new evidence. We brought you the express receipt for eels, but we are told that you say you know Vanzetti never got them. We bring you the Pinkerton reports, but we don't know if you know what is in them. They cancel Mary Splaine, but you still go on citing Mary Splaine. We bring you the son of Lola Andrews, and he tells you that

his mother is not to be trusted, but you go on trusting her. You tell Musmanno that you don't believe Vanzetti ever sold fish, and Musmanno brings you an affidavit from Carbone, the wholesaler from whom Vanzetti bought fish in Plymouth regularly. We bring you all sorts of affidavits, but nothing does the least good, because you have some secret information that we are not permitted to know about, and that determines the whole matter for you. What is it, Governor—tell us now, instead of too late. Believe me, the world is going to know some day!"

Thus the little old white-haired woman; and with elaborate and patient courtesy the sorely tried statesman assured her that she had fallen victim to the machinations of dangerous and depraved persons. He had the duty of deciding this case, not she; and when he made promises to witnesses in fear of their lives, he would keep those promises. When she broke down and wept, and Mrs. Henderson began to plead for mercy, he said that Massachusetts was in the grip of a crime wave, and that to pardon guilty men would set a dangerous precedent. He had refused to pardon the "car-barn bandits," even though they were native Americans, one of them a World War veteran. No, he was not troubled by the clamor from outside, the pleadings of what people said were "great minds"; they might be great in their own line, but they didn't know about the Sacco-Vanzetti case. This clamor would pass quickly. When Cornelia started to argue against capital punishment, his answer was: "You and I both sleep better in a state which has capital punishment."

Cornelia gazed at him, with a look of dismay. She could not reply to such words. Men had killed their fellows for fear and for hate, for piety and for glory, for exercise, for sport, for food; but here for the first time in recorded history they killed for a soporific! The little old woman stood up, trembling.

"Governor Fuller, answer me this: What are you going to do when we find the real criminals? Somewhere in the world are two men who really did the Bridgewater job; somewhere are four, or five, who did the South Braintree job. And rest assured, we are going to find them—we are never going to rest until we have found them—and then, how will you be able to face life? What will all you gentlemen do—judges and governors and college presidents—knowing that you sent two inno-

cent men to their death? What will there be in the world for you—but insanity or suicide?"

He did not answer, and she went out, with despair plainly written upon her aged face, for all the newspapermen to see and record. In the corridor they told her the news, right hot off the wire—Arthur Hill had telephoned to his office, Justice Stone had turned down his request. The lawyer was up in Maine, and could not get back to Boston until morning, so his work was at an end.

What had Mrs. Thornwell to say to that? What was she going to do? The reporters gathered about, eager for more story. A marvelous melodrama this was to them—a whole day packed full of thrills! Melodrama at the State House, with millionaires and blue-bloods and "headliners" of all sorts in a fourteen-hour stream! All over the city, with two hundred persons arrested, and tens of thousands looking on; with poets and hoboes, "Reds" and "scions of wealth," famous lawyers and judges, playing their lively parts! All over the world, with bombs exploding and plate glass shattering, mobs yelling and cavalry charging! And at the end death waiting, in the aspect of a chair with widespread, capacious arms, gaping for its victims! Monday, August 22nd, 1927, a date never to be forgotten in the history of the world!

CHAPTER XXIII

THE LAST ENEMY

I

In a room in the Hotel Bellevue, adjoining the State House, five lawyers from New York, all volunteers in the case, had worked all Sunday night and part of Monday, eighteen consecutive hours, concocting legal formulas and having them typed. On the roof of the hotel were detectives, and in the windows of the State House opposite; for the spectacle of lights burning all night in a room known to be occupied by Reds exercised an irresistible spell upon the authorities. "What are they doing now? Where are they going?" Half a dozen automobiles waited outside the hotel, and whenever one of the lawyers took a taxi, the august Commonwealth of Massachusetts trailed behind.

Now the Boston lawyers had failed, and admitted their failure; the New York lawyers had the field, with seven or eight hours to go. They asked for a hearing before Federal Judge Lowell, and he set the hour of six o'clock. A court session consisting of one judge, five lawyers, and a score of newspapermen. The judge resented the intrusion of "foreigners" into this case, and took occasion to say what all ruling-class Boston was thinking. He accused the strangers of "trying the case in the newspapers"; he interrupted them again and again to demand "law, not eloquence." When William Schuyler Jackson, ex-Attorney General of New York State, was showing the conspiracy carried on by Katzmann to deceive the jury at the Dedham trial, the judge broke in: "Did you ever see a Norfolk county farmer?" The lawyer, disconcerted, had to admit, "Not in reality." Whereupon the judge snapped out: "Well, if you had, you'd have a better opinion of that jury."

It made magnificent copy for the newspapers; the *Herald* put it in a "box"—"Judge Lowell Praises Norfolk County Farmers"—and all patriots swelled with pride. Wonderful

beings were Norfolk county farmers, and wonderful also the Lowells, who spoke only to Cabots, who spoke to God. It was the hard luck of the ex-Attorney General of New York State that he was not familiar with the details of the case; otherwise he might have made answer to the arrogant judge: "The Sacco-Vanzetti jury consisted of two real estate men, two machinists, a grocer, a mason, a stockkeeper, a clothing salesman, a mill operative, a shoemaker, a lastmaker, and *one* Norfolk county farmer!"

The lawyers loaded themselves into an automobile, together with Isaac Don Levine, journalist, and set out for Beverly, to make a last appeal to Justice Oliver Wendell Holmes. Detectives trailed behind them, and more detectives met them at their destination. The very old gentleman sat in his parlor, talking with two very old ladies; a chaste New England home, everything antique, in the taste of a bygone age. The lawyers presented their petition, and the judge sat himself down to peruse it—four thousand words of "law, not eloquence." A dead silence; and Levine sat in the hall, listening to the ticking of a "grandfather's clock." "Life-death, life-death, life-death," it said; the listener shivered.

The old gentleman looked up. "I appreciate the general force of your argument," he said—and their hearts leaped. He was famous for the so-called "judicial mind," his ability to consider legal principles in a vacuum completely freed of human emotion. He went on: "I am of the opinion that the petition is covered by the principles stated in my decisions upon the former applications for habeas corpus and certiorari, and therefore I am compelled to deny the writ."

The lawyers excused themselves, and got into the car again, and whirled back to Boston. One more hope; Federal Judge Anderson, who was not quite so free from human emotion. Seven years back, he had condemned the Red raids in an exhaustive and scorching decision. Now he was attending the Institute of Politics at Williamstown, two hundred miles away, and Tom O'Connor had arranged at the East Boston naval airport to charter an airplane to take John Finerty, a leading lawyer of Washington, formerly assistant counsel for the U. S. Railroad Commission. It would be a risky journey at night, but they had worked for eighteen hours over those four

thousand words of "law, not eloquence," and wanted to make it count if they could.

The nearest landing field was in Albany, New York, fifty miles from Williamstown. O'Connor had arranged with a taxi company to have a cab waiting at the landing field. All was ready; but alas, some one tipped off the authorities at the airport as to who these nefarious persons were, and a naval officer ordered them off the premises. "It would give me pleasure to shoot you," he said to the ex-Attorney General of New York State; and next day the newspapers reported that the Commonwealth of Massachusetts has been asked to put a special guard over the airport, threatened with seizure by the Reds!

II

From a window of the Hod Carriers' Union in Salem Street, Ella Reeve Bloor was explaining the case as an episode in the class struggle to a crowd of some hundreds of solemn-faced workers. "Mother" Bloor, they called her; sixty-five years old, she had raised a brood of five children, and turned them loose in the radical movement, and so was free to wander over America, wherever workingmen on strike called for a martyr. A little round jolly figure, full of laughter, brown as a hickory nut and as solid, she said her say, until the policemen forced their way into the union headquarters and dragged her out. "Inciting to riot," was the charge.

At the same time Paula Holladay was getting arrested in her red "slicker" again; they took it away from her this time! Over near Charlestown prison another group were preparing to walk into the den of blue-coated lions; their leader was Helen Peabody, one of those "with a background," who conceived it her duty to be in jail when the execution took place. In an obscure hall near defense headquarters, Betty and Joe were speaking to a somber crowd. It would not save Sacco and Vanzetti, but it would save their message, as Joe pointed out. Let the workers learn, and organize to defend themselves against ruling class murder.

A curious instance, then going on, to illustrate Joe's message. Everywhere in Boston the workers had been dragged to jail for attempting to voice their protest; but in the town of

Peabody, some twenty miles away from Boston, there was now going on a meeting in the public square, at which ten thousand workers were voicing their feelings unmolested. How came that? Quite simple; the workers of Peabody had taken the precaution to elect themselves a Socialist mayor. Yesterday, Sunday, the chief of police had broken up a mass meeting, in the regulation Mike Crowley style; the mayor had been on vacation, and hearing the news, had hastened back, and removed the chief of police from office, and taken charge of to-night's meeting himself, and introduced Alfred Baker Lewis as the principal speaker. Would the workers of Boston learn anything from that?

Governor Fuller was in session with Congressman La Guardia, who had flown all the way from Washington in an airplane; an Italian, he pleaded for mercy for two men of his race. Musmanno, having presented four new affidavits in vain, waited outside for a chance to present one more. He argued with Attorney General Reading, counsel for the Decimo Club and the "L.A.W.," seeking to persuade him that it would be a discourtesy to the United States Supreme Court, to take the life of two men, when their appeal was actually on file before that high tribunal. Mr. Reading did not answer Musmanno's argument; neither did he say what he would advise the Governor. Death was only three or four hours away.

Over in the death cells, Sacco was bidding a last farewell to his wife, and Vanzetti to his sister. The men stretched their arms through the bars; the women broke down, and had to be carried out, sobbing wildly. They belonged to a demonstrative race—one of the reasons why stern New England did not like them. Nevertheless, New England would read about it—column after column in the next morning's papers—"sob stuff," that sold best of anything.

Rosina and Luigia decided to try one last appeal to the Governor. They had not intended to do it; they knew in their hearts that they would fail; but they had several hours to pass, and it was easier to do anything than to do nothing. Friends telephoned and made the appointment, and at nine o'clock they arrived at the State House, a fortress surrounded by armed men, the searchlights which usually illuminated the golden dome now turned upon the crowds in the streets. They ascended

in the elevator, and Rosina walked ahead, through the rows of silent newspapermen; Luigia followed hesitatingly, bewildered by this strange environment. Musmanno was there to act as interpreter, and they were shown into the private office, where so many had sat and poured out eloquence in vain.

Rosina Sacco spoke first, in English. She told of her faith in her husband's innocence. She told about the trial; about Lola Andrews, the hysteric; about Captain Proctor, who had admitted his trick; about Goodridge, the many-times convicted crook; about Mary Splaine, and what the Pinkerton reports had revealed about her. She told about Judge Thayer; over and over, she insisted that the trial had not been fair. She asked for mercy. The Governor was a father, and he was sentencing two children to lose their father, and to wear a dreadful brand all their lives.

The great man listened with politeness—his store of the commodity was inexhaustible. He turned to the frail worn sister of Vanzetti, who began speaking in soft musical Italian, the young lawyer translating sentence by sentence. She had just come from her brother in the gloomy deathhouse; his protestations of innocence were ringing in her ears. He had asked her to convey a message to the Governor. Some weeks ago Bartolomeo had shaken hands with the Governor in the prison, and he thought that he had demonstrated his innocence; the Governor had given him that impression; now he could not understand how the Governor would let the death sentence stand. If he could have one more chance to talk with the Governor and answer his objections, he, Bartolomeo, was sure the death sentence would not be carried out.

For more than an hour the salesman of motor-cars listened, without interrupting. At last the two women said that they were through; and then, leaning forward slightly in his chair, he gave his answer. He appreciated the feelings of both of them, and was sorry for them. But he had taken an oath to uphold the constitution and laws of the Commonwealth of Massachusetts, and his conscience dictated that he should permit the law to take its course.

But still, he would be polite. Excessively so; as if he were paying compliments at a social function; or as if he were selling a Packard limousine. To some final argument of

Musmanno's he replied: "What you have said impresses me greatly. But even that is nothing compared with the eloquence of these ladies' presence." Was this one of the dreadful perversions of Puritanism? A kind of sadistic pleasure in inflicting torture with a smile? Whatever it was, it failed to make a hit with Rosina Sacco. "Let us go," she said, coldly, and they rose, and walked slowly from the room.

The newspapermen besought Musmanno to tell them what had happened, and he tried to do it; he touched upon a few of the arguments which the women had presented, but before he had got very far the tears began to run down his cheeks, and he had to stop. He went over to a chair and sat down and buried his face in his hands and sobbed. It was then half past ten, and the grandfather's clocks which kept the time for all Massachusetts were ticking steadily, with fifty-four hundred seconds still to go.

III

At six o'clock Cornelia had gone back to her home. The chauffeur had to help her up the stairs; and there were Deborah and Clara with the Negro maid, ready to come running, and lead her to the bed, and make any amount of fuss; to bring her tea or coffee, or a glass of milk, or a poached egg on toast. No, she could not eat; they pleaded, and wanted to phone for Dr. Morrow. The tears ran down their cheeks; they would do anything, abase themselves, agree with her wildest words, in the effort to quiet her, and persuade her that their love meant something. They were terrified at her appearance and her attitude; ashamed because they had shown so little sympathy in the past. Yes, no doubt there were very fine and good qualities in anarchists—anything, anything—so that their mother would stop killing herself!

Clara's precious youngest had got poison ivy all over him, and was shut up in the house with a poultice over his eyes; her oldest, who was just out of Harvard, was suspected to be on the verge of getting engaged at Bar Harbor; the oldest little fat treasure of Priscilla had got a bee sting over one eyelid, otherwise his mother would have been here. Quincy Thornwell had won a chess match—such items of family

gossip Clara poured out, in a premeditated torrent—only to discover that her mother was not hearing a word. "Please, Clara, I can't think about anything now. Let me be quiet."

Deborah had taken the precaution to get a prescription from Dr. Morrow; it was his advice that Cornelia should take a strong sleeping powder and forget the ugly world and everything in it for at least twelve hours. But Cornelia said no. When her oldest daughter tried to insist, she said, "I was talking with one of the lawyers from New York, and he offered me a quart of whisky. If all hopes fail, he will retire to his hotel room and get drunk." The silence of Deborah and Clara said plainly, it was what everybody in Boston had known about that New York crowd! Cornelia, reading their thoughts, remarked grimly: "The whisky might give him pleasure, so that is immoral. But a sleeping powder is strictly business!"

The women decided to call in Henry, who understood the insides of this crisis so much better than they. So Henry put off dinner with an important banker from New York, and came over to sit by the bedside and tell his mother-in-law how it was possible for Boston to do this dreadful deed; how it was possible for such wickedness to be organized, and in control of society. "With all that new evidence before them, Henry! And with an appeal to the United States Supreme Court actually docketed!"

"Docketed doesn't mean anything, Mother. It simply means that you have put your request on file; it doesn't mean that it will get anywhere. In this case I assure you it wouldn't."

"Henry, if we could manage to keep those boys alive until October, we could really get the public to understand about this case, and they would never dare to execute them."

"Well, I guess that's just it, Mother. Fuller can't afford to let the case go on growing and growing."

She pondered that. "I have just heard that Quincy has won a chess match; and now the Governor is winning one, with human lives for pawns!"

IV

She told about her last interview, and the things that had been said. She told about the trip to Rye Beach; it was quite

a story, and helped to pass the time without whisky or drugs. Deborah and Clara refrained from breaking in; there must be no arguments, nothing to excite the patient; each minute that passed was a danger escaped. Deborah ventured to make some remarks on the subject of Mrs. Fuller, and the problem of Catholic wives and Protestant husbands. The Governor was such an ardent Baptist, he wanted to teach a Sunday school. Was he letting his children be brought up as Catholics?

But no use; Cornelia could not be diverted from the main topic. "Henry, did you find out what is that 'confidential information' that Mr. Lowell and the Governor are talking about?"

"There's a lot of it, Mother; they keep quoting the Italian colony and what it thinks about the case."

"The 'Italian colony'! Do you stop to realize what the words mean? There are as many differences inside the Italian colony as in any other part of New England. The ruling group is Fascist; they hate Sacco and Vanzetti exactly as Judge Thayer does—only more so, because they know them better. The majority of the colony is Catholic; and when Bart was arrested he had on him a letter in which one of their priests was described as a 'pig.' Of course all the Italians know who that priest is. Does the Governor take the opinion of the priest? Or of his parishioners?"

"The story runs something like this, Mother: one of the Italian anarchists got drunk and talked, and admitted that Sacco had been in the bandit car at South Braintree."

"I've heard that," said Cornelia. "I've heard many such stories. But of course I couldn't guess which one the Governor of our Commonwealth and the President of our University would elect to believe. What do they say about Bart?"

"They don't think Bart was in the car, but they think he knew about it, which made him an accessory before the fact."

"Before, or after, Henry—are they sure which?" A pause. "And so that is what Mr. Lowell meant when he said that he thought Vanzetti was guilty 'on the whole'! I am solving the riddles which have tormented me for weeks! Who do they say was actually in the car?"

"Boda and Coacci and Orciani."

"Mike Stewart's theory complete! Have they overlooked

the fact that Orciani punched a time clock that day in the foundry where he worked?"

"The story is that he got somebody else to do it for him."

Cornelia sat, gazing with her inner eye into the face of Massachusetts statesmanship. "So that is why our boys have to die! Somebody got drunk and talked, and the talk came to the ears of our great men! Stop and think what this means, Henry—the breakdown of our legal system and our moral codes! Was it one of the guilty men who got drunk and talked?"

"No, that is not what I understand."

"It couldn't very well have been Sacco or Vanzetti, since they have been in jail, and couldn't get liquor in our model prisons, and anyhow, they don't drink. It couldn't have been Coacci, who was deported before the arrests took place; nor Orciani, nor little Mike Boda, who are sitting out on a barren rock somewhere in the Mediterranean, as prisoners of the Fascist government."

"Fuller doesn't claim it was the guilty ones who talked; it was one of their comrades."

"That is what I am trying to get straight. One of the bandits told a comrade, and this comrade got drunk and talked! Did he talk to Governor Fuller?"

"That is not the way I heard it."

"Hardly! There are automobile salesmen who get people drunk, I suppose, but not ardent Baptists, with Sunday school inclinations. We have to assume that some government spy got the anarchist comrade drunk, and then the anarchist comrade talked, and the spy told the Governor about it. Or maybe even that is too undignified for a Governor—surely it would have been for Mr. Lowell! Deborah, do you think Mr. Lowell would stoop to listen to a spy?"

Deborah understood that this was a rhetorical question, and prudently made no reply; Cornelia went on, working herself into a cold fury.

"Our dignity requires us to assume that the spy talked to some police official, whose business it is to know spies. So then we have this: Sacco or Vanzetti or Coacci or Orciani or Boda told an anarchist comrade that they were guilty; this comrade got drunk and told a police spy; this spy told the

police; the police told the Governor; and the Governor told Mr. Lowell and Mr. Stratton and Judge Grant! So they have 'confidential information,' and decide that 'on the whole' they think Vanzetti was guilty! That is how our laws are enforced, that is our police system and our legal system and our judicial system and our political system and our educational system! Such are the masters of our youth and the guides of our intellectual life!"

"Mother—" began Deborah; but Cornelia exercised the privilege of age, to do the talking when she wanted to.

"There is a saying—all three of our educated commissioners know it, and possibly told it to our Governor—'in vino veritas.' But proverbs are false more often than they are true. Think how many circumstances there might be under which you would get falsehood from drunkenness, instead of truth. Suppose there was some personal grudge; or some vainglorious fool, taking pride in knowing a secret that was baffling the whole world! Suppose it was some one who had heard a rumor, and turned it into knowledge; suppose the talker were a Fascist agent, a spy himself—such things have happened. Anything in the world can happen, where men make their living by betrayal, and their rewards depend upon the tales they bring in. I know enough about the anarchist movement to say that you will find every sort of disordered mind in it; also, you will find every kind of rascal among the men who are trying to destroy it. From such a situation there arises a poisonous mist, a gas cloud of gossip and scandal. I thought that the whole purpose of our judicial system was to deliver men from such terrors; to force accusers to come out into the daylight, in open court! But here our great Commonwealth has proved itself worse than one of the Sewing Circles!"

V

Cornelia sat up, with an announcement which terrified her family. "I am going to see those boys before they die!"

"Mother! Mother!" All three of them started to protest at once. Impossible! Not to be thought of!

"I went Saturday, and the warden wouldn't let me see them. I wrote them letters; but that is not enough, I refuse to accept

it. I am not going to let them go out of this world without bidding them good-by."

"Mother, the strain would kill you!"

"It is less than the strain of lying here doing nothing. I am only two or three miles from them—"

"A difficult two or three miles, Mother." It was Henry speaking. "The bridge is closed, and the streets roped off—"

"Governor Fuller can write a dozen words, and the road will be clear. He is going to do it for me! I am going to have a talk with Bart—and ask him to tell me the truth! I know that I can help him, and Nick, too. I am going to see the Governor—phone for me, Henry, and make sure he is still at his office."

Cornelia got up, in spite of all protests, and began to arrange her hair and put on her hat. Henry phoned, and got the information; then, when he saw that all argument was futile—that she was going to call a taxicab and go alone if necessary—he said: "Stay here, Mother, and rest. I will go and get the pass for you—if Fuller will give it."

"He *must* give it! I will not take a refusal! It will cost him nothing, it will do nobody any harm. Deborah, you go with Henry; you gave that creature a dinner party, now make him pay for it!"

All right, Deborah would go; anything to keep the poor soul quiet for another half hour. "It is a mad idea, Mother, but I will do the best I can."

"I know that you can do it! Promise me that you will do it, Henry—I will never forgive you if you play me a trick."

"I wouldn't do that, Mother—"

"You might think it was for my good. But I know myself better than you. I have a right to say good-by to those friends who have taught me so much. Tell the Governor that maybe they will confess to me—he'll be fool enough to believe that, I am sure! Tell him that you are very important persons, that he will shine by your reflected light! Telephone me the moment you get the answer—because I am coming myself if you fail!"

The State House lies just over the top of Beacon Hill, and it took Henry's car only five minutes to get there. Being large and expensive, it went past the guards without delay, and very soon there was a ring of the telephone by Cornelia's bed; she

took the receiver with trembling hands, and heard the voice of her son-in-law: "All right, Mother. The Governor has been so kind as to give his consent." She could tell by the phrasing and the tone of his voice that he was speaking from the great man's office.

She got up and got herself ready, with Clara's help, and in a few minutes Henry's chauffeur was at the door, ready to assist her down the stairs. Clara went along—they would all go, expecting her to collapse, fearing she might die of the strain. Since opposition only made things harder, they must turn themselves into slaves of her whim; at the same time agreeing in their hearts with the Governor, they would be glad when this was over!

VI

There sat a strange man in the seat by the chauffeur; a police official in civilian clothing, who had been at the State House, and whom the Governor had assigned as an escort. They came quickly to Prison Point Bridge, across the Miller River to Charlestown, where the old prison stands. At the bridge entrance the lights of the car fell upon officers waving the traffic to a detour; behind them a solid line of blue-coats, with riot-guns in hand; behind these latter a group of mounted men, and behind them iron gates. A couple of motorcycle officers shot out towards them, blowing a shrill warning to bring them to a halt.

So began the tedious process of breaking down the barriers which the stern Commonwealth had set up against anarchists and bomb-throwers that night. The police official produced the paper with the golden crest at the top and the magic signature at the bottom. "To police officers of Boston and Charlestown: You will permit Mr. Henry Cabot Winters and party to drive to Charlestown prison this Monday evening. Warden Hendry will permit Mrs. Thornwell to converse with Sacco and Vanzetti for one hour, subject to his convenience, and without interference with his plans. Alvan T. Fuller, Governor." It was a signature familiar to all Bostonians, being regularly attached to advertisements, telling the eagerly expectant motor-world the latest wonders which "Packard" had to impart. "This will prove

to be the most popular model which Packard has ever offered to sons and daughters who may have their own cars. . . . When may we show you this latest offering?" It did not seem to the Commonwealth at all humiliating to have a Governor who wheedled; neither did it trouble the sons and daughters of the rich who were able to have their own luxury cars that the same signature was attached to advertisements and to death warrants.

The fact that the police official was not in uniform may have accounted for the delay. One of the motorcycle men took the order back to the group, to show to his superior; after which he rode out to the car again and ordered it forward. The blue-clad lines gave way, the gates swung open, and the car rolled through. But half way across the bridge, there was another pair of gates, with another line of guardians, and the same procedure to be repeated. It was like the German entrenchments—the Hindenburg line, the Siegfried line, the Wotan line. In the river, below the bridge, were speed-boats of the harbor-patrol, their searchlights sweeping the docks and the tracks of the Boston and Maine Railroad. Along the tracks were searchlights, three in a group, weaving futurist patterns on the night.

A third line, strongest of all, at the Charlestown end of the bridge. The military formalities were complied with, and the car started up Austin Street, when the revolving searchlight on the prison tower picked it out, and seemed to be a signal to a score of mounted troopers to come galloping from every direction. Other searchlights, mounted on the prison wall and sweeping up and down the streets, brought out their figures, shining white for moments, then lost in semi-darkness.

"Why don't you send a man to pass us through?" demanded the police official, with some irritation; but apparently they hadn't intended to pass any one through. They had a dead-line, three hundred yards from the prison walls, blocking every street, and running over the tops of houses, where men sat with machine-guns, and stores of tear-bombs. The inhabitants of houses within the barred area were confined indoors, not even permitted on the steps; they could lean out of windows, and the searchlights shone upon rows of faces, staring white.

The instructions had been for the car to go to the warden's

home, which constituted a separate entrance to the prison enclosure. "No publicity, if you please, Mr. Winters," the Governor had said; and this was to the taste of a blue-blood family. The warden would be notified by telephone to expect them, and would smuggle them in, with no reporters crowding about, and no picturesque stories in the morning: "Widow of Ex-Governor Visits Condemned Men in Last Hours!" The car had to make a part circle of the aged fortress, and it gave even high-up Brahmins a realization of their importance, the favor which was being granted to them. Eight times they were halted and investigated; every foot of the way the searchlights followed them suspiciously, revealing bright bayonets and heavy riot guns, firemen with high pressure hoses ready for action, rows of horsemen drawn up against the prison walls, and motorcycles darting suddenly forth. Once a bomb went off—but not a dangerous one; only newspaper photographers taking photographs of the line of cavalry defending the main gate of the prison. Earth, water, even air were being guarded; searchlights played in the sky—a spiritualist medium having called at the prison, announcing that she had had a vision of an airplane dropping bombs. The Sacco-Vanzetti case had started from crystal-gazing, so it was reasonable that it should end with clairvoyance.

VII

They came to the warden's home and drew up at the curb. More parleys, after which the police official assisted Cornelia out of the car. The chauffeur was told to stay in his seat—no unnecessary chances taken. Deborah and Clara and Henry would sit where they were. The armed men stepped back, and the door opened, and prison guards met the visitors, and silently led them through the house and into the yard, past the cell-blocks, oblong brick buildings with rows of narrow barred windows. The lights were out, and the prison was supposed to be asleep, but the searchlights made the scene as bright as day, and nobody slept. There were white faces at the windows, and now and then a chorus of cries: "Let them out! Let them out!" Wild beasts, barking, howling, roaring in their cages!

To Cornelia it was as if she had taken Dante's place, in a journey through the various stages of hell: all this elaborate

display of killing power, a thousand intricate and ingenious inventions, all the arts and sciences which civilization had contrived, applied to the wholesale and instantaneous wiping out of human life. The fact that this military force was for Cornelia's protection, that it gave back respectfully before the magic of her name, only filled her with the greater abhorrence, only proved her thesis, that its purpose was not justice, but the comfort and safety of the rich.

The death-house: a square brick building, immediately under the prison wall, a highly unstrategic position, which in part accounted for the need of a miniature army. Upon the wall with its wooden walk stood a line of machine gunners, and men were lined up several deep upon the sidewalk of Rutherford Avenue below the wall. Across the street were firemen with four high-pressure hoses.

There was a group of guards at the door of the death-house, and the warden came out, and took over the task of escorting the privileged old lady. A dreadful ordeal: Cornelia had to pass through the execution-chamber, and the canvas cover was off the chair; the heavy leather straps at the hands and feet dangled and called for their victims. One glance, and then the warden half lifted Cornelia and walked her swiftly on. He had had to do that same thing for many women, relatives of the condemned. It was not a jolly job this plump and round-faced old Scotchman had found himself.

The death cells, three in a row, opening upon a corridor; each cell a narrow little room with steel-barred door; in each a cot, a table, a little bureau. A neat, white-tiled floor, and on the outside, running the length of the corridor, a painted line, six feet from the cells, beyond which no visitor might step. Cornelia knew the lay-out, the lawyers having described it to her. In the first cell was Madeiros, in the second Sacco, in the third, the farthest from the death-chamber, Vanzetti. It was the order in which they were to "go."

Cornelia tottered to the last cell. A light inside; the occupant was sitting on his cot, with the table drawn up before him, writing one of his farewell letters. He heard a faint cry, "Bart!" and started and shoved the table away. "Nonna!" A second more and he was at the door, his arm through the bars; Cornelia ran to him—it was automatic, no way to help it—

and anyhow, the warden was holding her, and not trying to hold her back. She clasped the outstretched hand and wrung it; that hand which so many times she had held in friendship, which had performed for her so many services of love; a hand toil-worn and bruised, now emaciated, but still warm with life. Three hours more and it would be cold, a piece of death and corruption. She let it go, and sank into the chair which had been placed for her, behind the painted line.

"Bart, I had to see you to say good-by!"

"I am so glad, Nonna! It is the one more thing I wanted."

"We have done everything we could, Bart, but it is no use."

"I know. Mr. Thompson was here, he has just been going. We had a long talk."

"I have an hour to stay with you, Bart; the Governor granted me that favor."

"I will leave you, Mrs. Thornwell," said the warden. "I will have to ask you not to cross the line again. You understand, we have rules, and they must be enforced."

"I know," said Cornelia; "I will respect your wishes." She had heard the prison stories—they had permitted one condemned man to receive a roast chicken from a relative, and it had contained a loaded revolver. "Thank you, Mr. Hendry." She was as sorry for him as for his captives.

VIII

A guard sat at the entrance to the corridor, fifteen feet from Cornelia's chair. He could hear everything that was said, but neither she nor Bart heeded him. This was like being alone with God; this was different from human life, where people met, and would meet again by and by. "We have failed, Bart," she whispered, and he said, in a voice without a quiver: "Do not worry for me, Nonna, I am ready. Nick also is ready. We will die as anarchists should."

The light in Sacco's cell had been out; he turned it on, and lay on his cot with his face to the bars, so that he could hear the conversation. "Hello, Nick," said Cornelia. He answered, with his quick sympathy and consideration for others: "You are too unhappy for us, Nonna. Take it more easy! Plenty fellow have die." She imagined the twinkle in his eyes—even

though now she could see only one eye through the narrow slits. She could see Vanzetti's whole face, because he was standing at the door, and at that height there was a bend in the bars, making an opening through which he could look.

"Nonna," he said, "it is more easy to die than to look out through bars like a beast for seven years."

"Bart, I am going to fight for your good name the rest of my time."

"Fight for the workers, Nonna; fight so they be free, that other people do not live idle on their hard toil."

"I will surely do that," she answered; "but most of all I want to be able to tell people about this case. Tell me the truth, Bart, now that it is the end."

Said Vanzetti: "I will speak like I would if it was God. I am an innocent man, Nonna; I was never at the South Braintree crime, I was never at the Bridgewater crime. I tell you that in solemn words, for you to say to all the world, all the time, forever. And Nick, he is innocent, he was never at South Braintree like they said. This is the truth, as I hope for joostice, I did never take a umane life, I did never anything that would take umane life, and I work with all my soul for those day when it will not be possible ever for one umane being to kill any other, when all such wickedness and machines for killing lives will be destroyed from the earth. It is because I know that the class system and exploiting of labor is what make such machines to be that I am anarchist. I am against all government, because I know it is tool of exploiting classes, it is not to make joostice in this world, but to make slaves, and to punish the libertarians—as they prove this night upon the bodies of Nick and me."

There was a pause. When Cornelia spoke again her voice was grave, and her words came slowly, carefully. "Bart, I mean to write what you tell me, so the world will know it. May I say that with reflection and these many years of study, you have changed your views about violence in the class struggle?"

Vanzetti's answer also came slowly. "You may say I do not wish vee-olence, Nonna. All my life I suffer torture when I think of vee-olence committed upon one body or one soul. But I read the history of all, and this I see, never have the slaves

been free because the master was generous; always it is because the slave made some struggle, he made fight for his right. Is it not so?"

"It has been so in the past. But may we not hope for some better way? Think, Bart, before you answer that."

"I think always, Nonna, it is one thought that I have all my life. I look at the great cruel capitalism—do I think that will give way without fighting? Look this night—Mr. Thompson has told me what he see outside. They make so many thousands, millions—machine-guns, bullets, gas bombs, artilleries—every day new inventions—you think they do not use them? You wish me to say to the worker, 'You need no fear, you need no preparing for slaughter?' Shall I say to the young worker, 'You do not need arming your souls for martyrdom, like Sacco and Vanzetti; Sacco and Vanzetti will be the last martyrs'—can I say that? No, Nonna, I have to say, it will be thousand of martyrs, perhaps millions, it will be most bloody slaughter, before the master class is thrown down, before the workers own the tools and the riches without any master."

"So that is what I must tell, Bart?"

"That is what all must tell, else I would be traitor, and not good guide for workers; else they would say, 'Vanzetti has lost his nerve, they have broke him.' Never will they say that, for me or for Nick."

"Never!" cried Nick, with his mouth to the bars. "They say we died anarchista."

"There may be some who wish to avenge your death, Bart, and that would be a dreadful thing, nothing would set back the cause so much. What shall I say about that?"

"Say that I want no such thing, Nonna, we are not such a man to be revenged; we are humble for our cause. What we want is joostice for the worker, freedom for all men on this earth, and we want every libertarian work for that, and not for us, nor for vengeance, which is a wicked thing."

"May I say that you forgive your enemies, Bart?"

There was a long silence. "Is it a thing that should be forgiven, Nonna—what men has been doing to us?"

"Men are ignorant, Bart—"

"These men are not ignorant, Nonna! Do you think that Judge Thayer is ignorant of what he did? When he call us foul

name such as I not like to say before lady, is he ignorant?"

"I think so, Bart; he is one of the most pitiable of human creatures. Think if I were to put it to you, would you have your body free, and be shut up in the narrow dungeon of that man's mind? Would you consent to be mean, to be a cheat, and eaten up with hatred? When you realize what a blessing has been yours in life, to have the vision, to know the future as you do—can you not pity the poor wretch who lives in darkness of the soul, and behaves like some cruel animal, not a man?"

There was a long silence. Cornelia looked at the face, with its frame of steel bars; it was emaciated, deeply lined by suffering; the dark-brown walrus mustaches drooped, and were partly hidden by the bars. "Remember, Bart, what Comrade Jesus said. He forgave the men who nailed him to the cross."

"Sure, Nonna, that I can do! Poor fellows in this prison, who are workers too, they have maybe wife and children, how can they stop the evil thing? Many man in this prison knows what I believe, many do not like to take life for the big capitalistas."

"But the big capitalistas, the men who give the orders, Bart? The judge, the governor, the college president?"

Again a long pause. "I will think about it, Nonna. I would not tell you anything but truth, and it is not easy thing for me to say what you want to hear."

IX

They talked about the fearsome yet fascinating question of where Bart was to be in two or three hours. "I don't know, Nonna," he said. "It is strange idea. If I wake up somewhere, I be very much surprised. What you think?"

"I cannot guess," she said.

"I think we go back where we come from. It is like a bubble that go back to be water again. This face, this voice, this what you call Vanzetti, I do not think it will be like that anywhere."

There came a voice from between the next row of bars: "That is all bunk!" (Sacco had not been in America for nineteen years in vain.) "When you are dead, you are dead, you

no wake up. For us it come quick, I like quicker. It is what I beg them long time ago."

Cornelia turned to the speaker. "Is there anything I can do for you, Nick?"

"Take care of wife and kids."

"You may be sure of that; they will not suffer want."

"I don't worry for that," said Nick, the free-spoken. "If all I want was easy time for them, I would made it myself. Teach the kids what we die for, make them some sense. That is it."

A pause, and then from the far cell a timid voice: "Good-by, lady."

"Good-by, Madeiros. Can I do anything to help you?"

"I am not like these fellows," he said. "I done what they got me for, I deserved it. But they don't, they are good men; some day it will be known." The voice was slow and drawling, marred by only a slight accent. Cornelia did not see the speaker, but she had met him before: a thin, undernourished young fellow with a weak but amiable face and small dark mustache. He was only twenty-one, and the doctors said he was a half-wit; the job for which he was to die was the killing of a bank-cashier in a robbery. He admitted it, and some other crimes.

Had he really been at South Braintree, or had he just climbed onto the Sacco-Vanzetti band-wagon at the last moment, with a faint hope of respite? Cornelia had never been able to make up her mind about that. She had watched a curious little drama going on—Madeiros looked up to Sacco and Vanzetti, as to social superiors; they were great men, celebrities, and he was proud to be associated with them. Sacco accepted his homage, but Vanzetti was extremely reserved. The young Portuguese never stopped insisting that both were innocent, and that he was the only guilty man.

Vanzetti spoke about Luigia, and what a joy it had been to see her—but hard for her; such crowds, such excitement, and a terrible end. He had tried to explain to his sister what it was to die as a martyr, not the same as a criminal. She ought to have been able to understand, because she believed in Jesus; but Jesus to her was something far away and terrifying, to be dealt with by the priests. A wicked thing, that ecclesias-

tical system, which enslaved the minds of the poor, and made the name of God something which libertarians could not speak.

The prison authorities had been pleading with Sacco and Vanzetti to let a priest or some kind of clergyman administer to them. It seemed to the authorities dreadful to kill men and have their souls go to hell! It was the first time the thing had happened in eighteen years, so they said. But the three men stood firm—Madeiros taking a chance with the others. They would never surrender the integrity of their minds. "Giammai!" cried Nick; and added: "That says, 'Not on your life,' Nonna." He was gay, being soon to get the freedom which he had craved for so many years. Impossible to crush that spirit of steel springs; and for the body, even though weakened by confinement and fasting, they would need an extra voltage.

X

Cornelia wore a wrist-watch, and every now and then her glance would be drawn towards it. The minute-hand seemed to be stealing time from her, it would take jumps when she was not watching. Vanzetti sat on his cot, and peering with one eye through the bars, saw a tear stealing down the old woman's cheek. "Nonna," he exclaimed, quickly, "I want you do something for me."

"What is it, Bart?"

"Something very great, a last thing—something hard."

"Tell me."

"I want you to not be sad."

"Oh, Bart!"

"It is easy to die. It is little thing—only for friends, for so many women, grieving, weeping. It is—what you say, futile. Is most futile thing in the whole world to have grief. Is it not so?"

"Yes, Bart—but—"

"Listen. I speak for all three. We are soldiers. It is our business to die. What for do you weep? It is our job."

"I will try, Bart."

Vanzetti's voice had taken on a note of sternness that Cornelia had heard a few times, when in his imagination he was going to battle with the capitalist class. "You remember, Nonna,

we publish book, our gruppo, 'Faccia à Faccia col Nemico.' All right. It is what we are now. It is our dream, it is our life. What for do we ask you to weep? Coraggio! Coraggio!" He went back to his childhood language when he was deeply moved; and his voice stiffened Cornelia's bent spine.

"Amica mia, you have been good soul to us. You have done more than help, you have onderstood. Now onderstand once again—is it too much?"

"I will do my best."

"We choose this death. Long ago we know it, we see him come. You be anarchista militante, you die. You die by hangman of capitalist class. All right, we choose. Every man have got to die, it is no great news, it happen each day. Poor workingmen, rich capitalistas, all. But to live forever, that is not so easy; to speak to all the world—how many time do it happen to poor workingmen? To a couple of wops? Did ever you hear such thing?"

"No, Bart, you are right."

"Our life, it has been success; it is victory, like never we have dream. Men stop, they say, 'What is this anarchist? What is this men believe, that they die so glad? What is this joostice? Have I got it? Have I got freedom, or am I slave like they tell me?' He ask, and he begin to think—million men begin to think—it is something your great Go-vérnor give us, something he cannot take! Our crown, our victory! Is it not so?"

"Yes, yes, Bart!"

"Viva l'anarchia!" came the voice of Nick.

"Our bodies they kill, they make our souls immortal. Young workers take up our cry—you see, Nonna, only wait, it grows all over the world, the revolt of the worker, the message that men be free, that they work for joostice, not for parasite. And we have helped, we have done a part. Only one thing more to do, is to die brave; to walk to the chair, smile, speak the truth to the end. So, amica mia, help us; no sad thought, only coraggio! Tell our friends it is joy, not grief, it is success, not failure."

There is a contagion that spreads in human souls, and shakes the thrones of emperors and kings. Cornelia's hands were clenched and her teeth set. "All right, Bart, I will do what you say. I will be with you to the end, and afterwards."

The warden stood in the doorway; and Cornelia rose to her feet, not waiting for him to help her. "All right, Mr. Hendry, I am ready. I have had a worthwhile hour. May I shake hands with my boys once more?"

"Yes, Mrs. Thornwell." He came to help her, but she did not wait for him. She took Vanzetti's hand in a firm, strong grip. "Good-by, for the last time, Bart. You have taught me more than any of the great persons I have met in my life. I shall remember every word you said to me."

"Good-by, Nonna. I thank you. Thank you for the good help."

"Good-by, Nick. You have been a brave fellow. You have done your job."

"Good-by, Nonna. Good-by to wife and kids. Teach them for me—what I believe."

Then Madeiros. He put out his hand, and Cornelia made no difference between a hero and a criminal. "Good-by, my son. I hope the next world treats you better than this one."

"Good-by, lady." He was a timid bank robber, who found this an incomprehensible world. Anarchists sought to overthrow the rich, and then the rich came to shake their hands!

Cornelia went to the door. The guard had risen, ready to help her if need be; but she was doing her stunt. "Thank you, Mr. Hendry, these three soldiers have given me back my strength." She turned, and called: "Good-by, dear friends! Good luck to you—and to your cause!" To a chorus of good-by shouts in English and Italian she walked through the death-chamber, past the chair with the gaping arms and the dangling leather straps; her little head held high, her steps firm and proud. Through the prison yard she went, steady, amid the beams of the drunken searchlights, staggering this way and that; past the cell-blocks, with white faces looking out, eight hundred and eighty-one human beasts, roaring now and then, "Let them out!" Into the warden's home, and through the front door; through the group of policemen, and into the waiting car with the anxious women.

"Mother! Mother!" They started to make a fuss, after the fashion of families. She sank back in the seat and whispered, "Let me be quiet! I have been talking with God."

That happens also to families in Boston now and then. They

thought, "It has been too much for her mind!" and were frightened into silence. They could not realize how this strange idea would haunt the minds of men all over the world in this dreadful hour. John Haynes Holmes, a clergyman, formerly of Boston, was writing at that moment a "Ballad of Charlestown Gaol":

There's a chair for you, Vanzetti,
In a cold and empty room;
A chair aloof and lonely,
Like a spectre in the gloom;
A chair with open arms and wide,
To welcome you to doom.

They've made this chair, Vanzetti—
Good men, and strong, and true—
To manifest the will of God
On poor men such as you;
To show the Lord Christ lives again—
And dies, the Lord Christ, too!

CHAPTER XXIV

THE TRIUMPH

I

EVEN at that late hour there were men and women who could not make up their minds to let Sacco and Vanzetti die. There were protestants who would not cease marching. In Salem Street, in the North End of Boston, a thousand or more Italians gathered, declaring their intention to march to the Bunker Hill monument and hold a meeting during the execution. Mike Crowley's mounted men charged into the midst of them, scattering them in every direction, crushing many. The same thing happened in Thompson Square, and in the roped-off area near the prison. Here seven men and women broke through the police lines, singing the "International," and lifting their printed protests, in defiance of all that military might. "Hail, Sacco and Vanzetti! The élite of the world salute you as heroes!" One of the seven was a war veteran, and when the police fell upon him, "Oh, boy," they cried, "wait till we get you in jail!" A traitor to the army system, they would teach him a lesson he would remember! They beat three men, one of them insensible, the others nearly so.

Also there was another campaign before the Governor—at half-past ten at night. William G. Thompson had come down from his vacation in New Hampshire, and was making an appeal, based on the Governor's fixed prejudice concerning Vanzetti at the Plymouth trial. Over and over again, for months, Fuller had been talking about the fact that Vanzetti had not taken the stand in his own behalf. That very morning he had voiced dark rumors about Vahey and Graham, the lawyers who had defended Vanzetti at Plymouth; if they were not bound by the code which forbids lawyers to betray a client, they could tell dreadful things about Vanzetti.

The substance of this proposition had been telephoned to William G. Thompson, up in New Hampshire, and he had motored to Boston, and gone to see Vanzetti early in the evening—a long conference, the substance of which he later published in the *Atlantic Monthly*. He asked if Vanzetti would be willing to permit Vahey to tell the truth about the case, and his dealings with his clients. The answer was Vanzetti's usual charge, as to how his case had been conducted, which he was certain had cost him his life. Now the lawyer came to see Governor Fuller, bringing Vanzetti's message, that he was willing for Vahey to say anything he knew, provided that the interview took place in the presence of Thompson, or some other friend in whom Vanzetti had confidence. So now the way was open to a "show-down," and would the Governor follow his own suggestion? Surely fair play required that!

The answer of Fuller was to make no answer—a trick which public personages have to learn. Silence! Out there on the other side of the Charles River was a miniature army on duty, and a prison staff about to put those wops out of the world, so that Fuller and his class could "sleep better." All traffic stopped over main highways between the two cities; thousands of persons, living near the prison, illegally shut up in their homes for the night; a million dollars invested by Boston merchants and manufacturers in riot and bomb insurance; the newspaper wires run into the prison, the witnesses summoned, the traveling expenses of the executioner incurred for the second time—and all that trouble and expense to be brought to nought, while the Governor carried on a debate with a bunch of "meddlesome Matties" in secret sympathy with terrorists! In the formula which had been current in the sporting world when "Allie" Fuller was a bicycle-racer: "Not on your tin-type!"

II

At a quarter before midnight William G. Thompson came out from the Governor's chamber, and to the waiting reporters expressed his solemn conviction that innocent men were about to be executed. A strange event—a great lawyer breaking the rule of his lifetime, defying Boston legal proprieties and "trying the case in the newspapers!" He would give a long interview,

defending his clients, and telling the Vahey episode, and much of what Vanzetti had said to him in prison.

Meantime—even at that hour—one more protest! Francis Fisher Kane, former U. S. Attorney for Pennsylvania, had been waiting for two hours to see the Governor to make one last appeal concerning the Department of Justice files. He persuaded the doorman to take in his card, and the Governor granted five minutes. Mr. Kane presented a fact which had just come to his knowledge; President Lowell had stated to a friend that the files were of no significance, and could not have affected the decision of his Commission. Mr. Kane now strove to make this matter clear to the Governor. The files would show that the Department of Justice had been watching Sacco and Vanzetti by means of "informers," considering them as dangerous anarchists. Mr. Kane himself knew exactly what that meant, having been a Federal prosecutor, in charge of the watching of certain anarchists; he had resigned his position, in protest against the things he saw being done during the "Red raids." He could certify that Sacco and Vanzetti had had good reason to be afraid for their lives on the night of their arrest; and thus that famous "consciousness of guilt" theory of Judge Thayer was knocked out. The arrested men had a kind of guilt to be conscious of, entirely different from that of the South Braintree crime!

So the lawyer argued; and it was like water falling upon a granite stone. For seven years the authorities of Massachusetts had had these facts before them, and had resolutely shut their eyes; the reason being that, in their secret hearts, they desired the death of anarchists quite as ardently as the death of bandits.

The telephone ringing; the group of New York lawyers who had set out to try to reach Williamstown by motor-car, but realized that it was too late. John Finerty on the wire, to beg the Governor, in the name of common decency, to put off the execution for just a couple of hours, until they could reach Judge Anderson and see if he would act upon their appeal. The Governor's answer was that Mr. Finerty should communicate with Attorney-General Reading, who was in charge of legal matters that night. Mr. Finerty called Mr. Reading's office and learned that Mr. Reading had gone to the Governor's office about the matter. He called the Governor's office and

learned that Mr. Reading had gone back to his own office. He called Mr. Reading's office and learned that Mr. Reading had not arrived. Astonishing agility on the part of a high official, in spite of his pockets being stuffed with the money of the Decimo Club and the "L. A. W." and other corporations which feared trouble from the legal department of the great Commonwealth! Mr. Finerty was not able to hear Mr. Reading's voice.

The weary Governor rose from his desk, and put on his hat. It had been a strain; his face was drawn with exhaustion—impossible to conceal it now. "No statement, boys," to the newspaper men. His guards closed about him, and he went down to his Packard car, under the Mt. Vernon Street arch of the State House, closed all that day to traffic. The guards saluted, they fell back and dropped the ropes; a police-car in front, another in the rear, with riot-guns ready for instant action—the little procession rolled out into the night, on its way to the summer home in New Hampshire.

III

Cornelia, returned to her apartment, found Betty waiting. So she sent off her daughters and son-in-law. "I am perfectly all right now. That visit was what I needed. No use to keep you up. Thanks for what you did, it made everything all right." She lay on the bed, and told Betty about her visit, and every word that had been spoken. Betty told about the meeting she had attended, and how the crowds were behaving. It was like war time, tens of thousands of people in front of the bulletin boards; and when some item of bad news came, you would hear a moan, a sob of mass-agony. Apparently the public was beginning to realize—at the last moment—too late!

"I am going to be able to stand it, Betty. I have got to stand it, for Bart's sake." Betty was glad to hear it; she was prepared to carry her own burden, but no more. "Yes, yes, it's all right," the old woman went on. "It is what Bart and Nick wanted." But even as she said it, there was a trembling at the lips, and a look of terror in her eyes.

An hour and more still to be passed. Betty began hastily to tell the news. She had stopped at headquarters: she told

who was there, but dodged away from describing the weeping and anguish. Powers Hapgood had been missing for hours, and word had just come that he was shut up in "Psychopathic"; Joe Randall had hurried off to fetch Dr. Myerson, to get Powers out. Creighton Hill had made a trip to Maine, with two clergymen, to get another clergyman to make an affidavit concerning Thayer's prejudice. But Fuller wouldn't pay any attention to it, of course.

Cornelia was only half hearing. "Betty, do you suppose the Governor can be meaning to put it off again?"

"I don't know, Grannie. How can you tell, with that beast?" Never if they lived a thousand years would the women of the defense forgive him for the night of anguish he had caused them, by withholding the reprieve until twenty minutes before the time for the execution.

Gossip wouldn't do, Betty realized; she must tap the deeper layers of the human soul. "Man's extremity is God's opportunity," so the evangelists tell us; now Betty Alvin, hard and grim little realist, must become a prophet and a saint, like Bart! She must point out that stone walls do not a prison make, and how they that kill the body only glorify the soul. She must make real to both her grandmother and herself what this night's events would mean to the future; a consecration to the radical movement, a purifying of the faith of all of them, a spiritual rebirth for Boston. "Oh, Betty, is it really so? Won't they forget all about it, and go back to their radios and their jazz?"

"Some will, Grannie; but some of us aren't going to forget this long fight."

"Seven years!" Cornelia whispered. "Seven years!"

Betty answered that it had taken those years to make the case; to get public attention centered on it, to get the great ones of Boston to notice two wops. "Don't you see what it's for, Grannie—to dramatize the class struggle! To make it so plain that every child can see it! To make it into a formula, that you can say in three words, and have everybody understand it —everywhere, all over the world, for all future time! 'Sacco and Vanzetti!' And right here in our great and prosperous America, that is making so many automobiles and bathtubs and books of etiquette! Right here in Boston, that is so moral!

Don't you see how important it is to have the capitalist class electrocute its own lies?"

"Betty! Betty! When will men stop killing?"

"When we end exploitation, Grannie dear; and Bart and Nick are doing the job! Don't you see the glory of this case—it kills off the liberals! Before this, it was possible to argue that injustice was an accident, just an oversight—in a country that was so busy making automobiles and bathtubs and books of etiquette! But now here's a test—we settle the question forever! We take our very best—not merely cheap politicians, but our great ones! Our biggest business man! Our most cultured university president! Our supreme court judges—even the liberal ones! We prove them all alike—they all know what flag they fight under, who serves out their rations! They all take their places in the ranks, with every button in position, and all of them washed behind the ears! They all obey the great capitalist drill-sergeant, and not a man deserts to the enemy—not one single man!"

A quarter to twelve. "Betty, if they were going to put it off, they'd have had to say so by now."

"Yes, blessed dear, I'm afraid so."

"And somebody would have let us know!"

"Yes, surely they would."

"They'll let us know when it's over?"

"Joe promised he'd phone at once." Then, in desperation: "Grannie, did you hear about the necklace which Bart gave to Mr. Thompson? He took the ten dollars you sent him, and bought some things the prisoners had made, and gave Mr. Thompson a necklace of beads for his wife, and Mr. Thompson broke down and cried. They say he can't talk about it without crying. It'll ruin him as a lawyer."

"Bart and Nick were right about it all along," said Cornelia. "They knew more about Boston than we did."

"That is something that touched Mr. Thompson. Nick had insisted he'd never get anywhere with the courts, and to-day Mr. Thompson thought that Nick would remind him of it. But Nick didn't say a word; he knew how much it would hurt."

Twelve o'clock. Cornelia, white-faced, her hands clasped together, and her voice a faint whimper. "Betty, they must be in the death-chamber now."

"Yes, I suppose so. Remember what you promised Bart!"

"I know, I know—but I wonder—how long does it take?"

"Not very long, dear, they make it quick, they are as polite as Fuller."

But somehow that wasn't the right thing to say. Betty caught the poor trembling hands, and began to whisper: "Grannie, dear, don't let yourself go! We all need our strength, we have a whole world to change."

"All right, I won't, I won't! How long does—how long do they keep the current on?"

"I don't know, two or three minutes. But the victims don't know it, so what's the use thinking about such things!"

"They must be doing it now! Oh, Betty—tell me something to think about!"

"They are brave men, Grannie. They have lived the life they wanted to live, and they don't want us crying over them. Think of all the people who get killed—so many in needless ways—that we can put a stop to when we have learned what Bart and Nick have to teach us." So Betty, rushing on, a little stump-speech—but all in vain. She had to keep squeezing the poor frail hands, and saying over and over again the simple elemental idea, that Bart had forbidden Cornelia to grieve, and she had promised not to. After all, Bart's life was his own, and if he chose to become one of the world's great martyrs, who had a right to object?

IV

Cornelia could be got to listen to that, to sit staring, like a hypnotized rabbit. The trouble was that the clock on the mantel-piece became hypnotized, too, and the hands refused to move; all time stood still, there was no way to get it past. The world hung suspended in a void of suffering—that very hell which Father Murphy, the prison chaplain, had been telling about, where pain endured forever.

Some magic spell had been woven over the minds and souls of tens of thousands, perhaps millions of persons, scattered over every part of the earth; never had there been such a phenomenon since the world began. They sat in rooms and stared at each other, they stood in front of bulletin boards and

clenched their hands, or maybe bit their finger-nails; they went walking blindly about the streets, not knowing where. In whatever part of the world they might be—in Boston or Los Angeles, Buenos Ayres or Paris or Tokio—they had figured the time, and were saying the same words as Cornelia Thornwell: "They must be doing it now! They must have them in the chair! How long does the current take?" And one and all they noticed that extraordinary phenomenon—time stood still, minutes refused to pass as they normally should.

The telephone ringing; Betty had to let go of her grandmother's hands to take the receiver. Cornelia watched her face, reading the fates there. No need to hear a word; Cornelia knew it was Joe, and he was saying, "It's all over." "Yes, sweetheart," said Betty, in a voice as even as if she were accepting an invitation for lunch. "Yes, we're all right. Grannie went over and had a talk with them both, and she's feeling stronger. But you'd better come home right away—yes, dear, we might need you. Please do." She hung up quickly, so that Joe might not hear the dreadful burst of anguish from the poor old woman on the bed.

Betty dug under the wasted body, and got hold of the hands, and made the agonized soul sit up and look at her. "Grannie, listen to me now! You don't realize—it's all over! Stop and think what that means—Bart and Nick can't suffer any more! Nobody can punish them, nobody can torture them—ever again! They aren't in jail! They are free!"

So on and on, until the idea did actually penetrate Cornelia's mind. The sobbing ceased, and she sat staring ahead of her, as if at an apparition in the room. "It is really so! They can't do any more to them!"

"Grannie, blessed dear, it is what Nick has been saying all along, and we never had sense enough to realize it! Their job is done, and they are all right!"

V

At ten o'clock the chief electrician and his assistant had tested the death chair and pronounced everything in order. Then came the executioner, to make his inspection. Elliot was this gentleman's name; he preferred a retired life, on account

of anarchist bombs, but the clamor of newspapers had brought him into the limelight; they published his picture, and a list of the human beings he had killed. The "false execution" of twelve days ago had compelled him to make a journey for nothing; very annoying, and he was hoping that now there would be no hitch, he would get his seven hundred and fifty dollars.

Father Murphy came to the death cells, to make his last offer of eternal life. Absolutely without charge, and merely by a few passes of the hands and the speaking of a few words, he was willing to deliver these three men from the otherwise certain fate of perpetual roasting upon a brimstone and sulphur fire. Nearly three hundred years ago the philosopher Pascal had presented an unanswerable argument on the subject: the procedure would do you great good if it were valid, and no harm if it were not valid. But Vanzetti answered that it would do harm to those whom he left on earth, to be more tightly riveted in the chains of superstition. So, a few minutes before midnight, Father Murphy went to the officers' club of the prison and remarked to the newspapermen, "There seems to be nothing for me to do, so I am going home."

That clubroom was like the "pit" in the stock exchange, with more than a hundred reporters scrambling for every scrap of news. Many telephones were installed, and eighteen telegraphers sat at eighteen machines, to feed the curiosity of a ravenous world. The service included direct cable connections with all the other five continents. The representative of the Associated Press had been honored by an invitation to witness the execution, and was pledged to furnish the details to his colleagues.

There were, according to law, a number of official witnesses, whose duty it was to certify to the Governor that his orders had been carried out. They were in readiness, and the warden now led them to the death-house. Chairs were lined against the wall of the execution chamber, facing the electric chair, and the worthies took their seats. The big warden, with plump round face and little black mustache and narrow slits for eyes; a well-known Boston surgeon; the physician of the prison; the surgeon general of the national guard, who looked like a college professor; the medical examiner of Suffolk County, who looked like a romantic poet with tousled hair; the sheriff

of Norfolk County, a bald-headed, stern-faced old Puritan, who had had Sacco in charge for seven years, and Vanzetti off and on, at great expense to his office—he was one of those who had expressed their sentiment by piling up the desk of Judge Thayer with flowers, on the day that learned jurist delivered his charge to the Dedham jury, and explained the nobility of loyalty.

There was a telephone against the wall of the execution chamber, and the representative of the Associated Press took his stand by it; the wire ran to the warden's office, and from there a telegraph operator would relay every word to the crowd of reporters. In this way they would learn when each man entered the death chamber, when the current was turned on, and when the death was officially announced. Later the "A.P. man" would go over to the officers' club and give the details.

The executioner stood behind a screen in one corner, to the left of the death chair; he could look over the screen, and see when it was time for him to earn his money. Two guards stood by the door leading to the cell corridor, and when the warden signaled that all was ready, they stepped back to the first cell, and unlocked the door. Madeiros lay asleep—not setting much value upon his last moments. The guards awakened him, stood him on his feet, and led him, half dazed, into the execution chamber, closing the door behind them, out of kindness for the occupants of the other two cells.

The victim had on short gray trousers, with a slit cut up each leg, and a blue shirt with short sleeves, made especially for the occasion. He was seated in the chair, and as quickly as possible the deputy warden and a guard buckled the straps which would hold his hands and feet immovable. The electrodes, from which the current was to enter the body, were fastened, one to each leg, and a third, the headpiece, covering the entire top of the head; they contained wet sponges, to afford perfect transmission.

They tied a bandage over the victim's eyes, and then stepped back; all was ready. It was the warden's part to signal with his hand to the executioner, who would then move a switch. Since this did the actual killing, the theory was that the executioner alone was responsible, and for carrying this heavy responsi-

bility the Commonwealth paid him the sum of two hundred and fifty dollars for each of three motions of the hand—plus traveling expenses from his retreat in New York.

He made the first motion, and there was a whir of the current, and the body of Madeiros gave a sudden leap, which would have jerked it from the chair if it had not been that the straps were heavy. Human flesh became of the rigidity of steel, and stayed that way for several minutes, with a current of nineteen hundred volts passing through it. A ghastly odor of burning hair spread through the death chamber.

The current was turned off, the body sank back limp into the chair, and the warden signed to the medical examiners, who stepped forward with their stethoscopes. At nine minutes and thirty-five seconds past midnight they pronounced the Wrentham bank robber dead, and the body was lifted from the chair and carried to one of three newly painted slabs hidden behind a screen in the death chamber. Nothing could exceed the sense of propriety of the great Commonwealth of Massachusetts, or the decency with which it prepared for the elimination of its enemies.

VI

The door leading to the cells was opened again, and the two guards went in to the second cell. Nicola Sacco was not asleep, but waiting, to do his last duty as a revolutionist. He walked out between the guards; he entered the execution chamber, and looked about him at the row of solemn witnesses, the deputies, the chair, and the screen with the face peering over it. His own face was white and haggard, his lips set, his whole expression that of defiance. He walked directly to the chair and sat down; then, as the guards began to adjust the straps, he lifted himself slightly, raised his voice, and said, in what came as a shout in that still brick-walled chamber of death: "Viva l'anarchia!"

("You see!" said all Massachusetts, when they read about it with their morning coffee and codfish balls. "We told you so! We knew it all along!")

The guards paid no attention to any words. They went on with swift fingers, as if they feared that some one might come

to stop them at the last moment. When they were through, and stepped back, Sacco opened his lips again, and the warden withheld the signal. "Farewell, my wife and children and all my friends!" Then, as the warden was in the act of lifting his hand: "Good evening, gentlemen. Farewell, Mother."

The cue was given, and the executioner moved the switch, and the body leaped so that it was like a blow against the straps. Twenty-one hundred volts was the executioner's estimate of what it would take to rid Massachusetts of this wiry peasant; the amperage was from seven to nine, and it was nineteen minutes and two seconds after midnight when the medical examiners pronounced the duty done. The body of Nicola Sacco was lifted from the chair, and carried behind the screen and laid upon the second slab.

Then for the third and last time the door into the cell corridor was opened, and the guards entered. Bartolomeo Vanzetti had sat upon his cot alone, knowing what was happening in the adjoining chamber, but it had not shaken his nerve; he had had seven years in which to work out his system of self-discipline. "This is our career and our triumph." He rose from his cot, and walked with firm steps, the guards holding him, one by each arm. When they entered the execution chamber, the guards released him, and he looked at them—men whom he had known for a long time, and whom he had taught to respect him, no longer to call him a wop. They were poor fellows, who maybe had wives and children to keep, and could not help what they were doing; so he turned to them first, as became a proletarian martyr. "Good-by," he said to each, and held out his hand to each in turn, and shook their hands firmly.

Then he turned to Deputy Warden Hogsett, and took both his hands and wrung them. "Good-by, I thank you for your courtesy to me." And then to the warden, a big towering figure. Vanzetti was quiet and at ease, as if he were welcoming visitors to his home. "Warden, I want to thank you for all that you have done for me." He held out his hand, and the warden took it.

("Jesus!" he said, to one of the reporters afterwards. "He shook my hand, and then I had to raise it to give the signal!")

Vanzetti walked to the chair and sat down. Then he spoke—

words which he had made the subject of much thought. "I wish to tell you that I am innocent and never committed any crime, but sometimes some sin. I thank you for everything you have done for me. I am innocent of all crime, not only of this one, but of all. I am an innocent man."

The guards, well trained, went on with their work, paying no attention to eloquence. The electrodes were adjusted, the straps made fast. As a guard started to apply the bandage to Vanzetti's eyes, he spoke again; it was the question which Cornelia had asked him, and to which he had promised an answer. He gave it with all the world for an audience. "I wish to forgive some people for what they are now doing to me."

The guards stepped back, and the warden gave the signal; the executioner moved the switch, and the body of Bartolomeo Vanzetti leaped as the others had done. Nineteen hundred and fifty volts were estimated to be sufficient for this less robust person, a dreamer and a man of words rather than of action. Many, many words he had both spoken and written, but now no more. The current was turned off, and the medical men made their examination, and at twenty-six minutes and fifty-five seconds past midnight they pronounced that the last spark of anarchism had been extinguished from the august Commonwealth of Massachusetts. The warden had a solemn formula to recite, but his voice almost failed him, and not all the witnesses heard the words: "Under the law I now pronounce you dead, the sentence of the court having been legally carried out."

The third body was laid on the slab, and the doors of the execution chamber were opened—it had grown very hot, with the many volts of electricity and the tense emotions of martyrs. Also, the odor of burned hair made one ill; the night breeze was very welcome. The guards and witnesses went outside, and wiped the sweat from their foreheads, and from the backs of their wilted collars. "Christ!" said the deputy warden. "Did you hear what he said? He forgave me! Now what do you make of that?"

VII

The representative of the Associated Press hastened to the officers' club. Not often does one man carry a message to the

whole world. He entered the room with the hundred ravening reporters, and had to mount a chair so that all might have an equal chance to hear. "No features," he said. "Entirely colorless." The proper professional air; if his "assignment" had been Mount Calvary, he would have said the same. If Jesus had raised a row at the last moment—if he had tried to escape, and had knocked down the captain of the centurions—that would have been "hot news." Or if he had cursed God, instead of merely asking why God had forsaken him. Obvious enough that God would not pay any attention to the leader of a Jewish rabble, a common workingman, born in a stable in the flea-infested village of Bethlehem!

So likewise this death of Sacco and Vanzetti—"no features." No, they hadn't confessed—except that Sacco had confessed to being an anarchist. He had cried: "Viva l'anarchia!" ("How the hell do you spell it? Has it got a 'k'?"). No one had collapsed, or made what you would call a scene. Sacco's complexion had been white, you might almost say green. ("The way Mary Splaine described him—I remember at the Dedham trial.") Vanzetti had shaken hands with everybody, very politely. ("Anarchist propaganda! A grandstand play!") He had said—the bored correspondent consulted his bunch of papers, on which he had jotted down a few words—he said that he forgave everybody—no, it was "some people." ("The little infant Jesus! Ain't they lambs, these Reds?")

The room was gray with tobacco smoke, an inferno of heat—the windows having been boarded up, for fear somebody might "throw something in." The clamor was deafening—the clicking of eighteen telegraph keys, and the voices of men shouting over the telephones, each trying to hear himself above the uproar—that competition which is the life of capitalism. Men standing against the wall scribbling, or writing on their knees, each hoping to file his words the first. The three big press associations would take care of the main outlines of the news for all the papers of the country; they had already sent three "flashes" on each execution; now they would follow with details. But a hundred papers had sent special correspondents, and these pleaded for "human interest stuff," hounding those who had witnessed the events.

The warden had gone to his office; he was gray, and the

perspiration could not be kept from his forehead, nor the trembling from his whole body. He invited his deputy to have a drink with him, and opened his cupboard for the purpose; but there entered Mike Crowley with the police commissioner, a blue-blood, appointed by the Governor. The warden didn't think it quite right for that high-up personage to see him indulging his appetite at this moment, so he hastily shut the cupboard door again. He had to sit down in a chair. The deputy kept saying: "He shook both my hands! And he forgave me! I never saw such a thing! I couldn't conceive of it!"

The news was spread by a thousand telegraph wires, and in a hundred cities great crowds learned it from the bulletin boards of newspapers; for the most part in silence, but sometimes with groans and sobs. The Boston *Evening Transcript* had kept its broadcasting station open—radio WBET—entertaining the listeners with music and miscellaneous news all evening. The comfortable population of New England sat in their easy chairs and absorbed the easy entertainment: the WBET Troupers in "Not Quite Such a Goose," a comedy in one act; Boots and His Nighthawks, dance music; the Klassay Boys; the Handy Instrumental Trio; Doc Wassermann's Orchestra; and the Correct Time.

In the news that day all kinds of thrills: Ed Farrell's hitting had been a large factor as the Braves won three straight from the Cubs; two school boys were leading the field in the first half of the qualifying round for the amateur golf title; a girl tennis queen had won an impressive victory in New York, and the French Davis cup team had arrived in Boston. More serious items: St. Mark's Church had benefited by the will of a millionaire manufacturer of extracts; eight hundred Catholic teachers from a hundred and thirty-five parochial schools were in convention; the city council had voted three hundred thousand dollars for a golf links; the wife of a moving picture favorite had obtained a divorce from her husband, after charging him eight hundred and fifty thousand dollars for his freedom. The flappers of Boston listened, and reflected: "If I could get to marry somebody like that, I could live on the alimony the rest of my life." Radio central station WBET, the Boston *Evening Transcript*: "The juice was turned off, and Vanzetti

was officially pronounced dead at twelve, twenty-six, fifty-five. The orchestra will now play, 'The End of a Perfect Day.'"

VIII

In every great capital of the world there were mass meetings and protests that night. In London a mob marched upon Buckingham Palace, and had to be ridden down by mounted men—quite as if it were Boston Common. In Berlin there were a score of meetings, ending with parades. In Geneva the demonstrants raided the American embassy, and when clubbed away, broke the windows of the League of Nations Palace. Even in far-off Tokio the American ambassador had to receive a deputation of labor leaders, and explain that he had no control over executions in Massachusetts.

In Paris there had been a general strike, and on the night of the execution there were street demonstrations, with mobs shouting curses at Americans whenever they met them—which was frequently. An American playwright and his wife asked for police protection, and when the official learned that they knew German, he advised them to speak it for a while. An odd freak of history—only ten years since the battle of the Argonne, and here was a man who had taken part in it, being told to speak the language of the Boche!

It was dawn when the workers of Europe got the news, and they went to their tasks with hearts blazing. To them it was a personal matter, for they had friends in America, and knew the attitude of native New England to its foreign workers. There were guards before all American embassies and consulates, and few escaped without broken windows. In London forty persons were injured in the rioting; in Australia eighteen hundred were discharged for taking part in a strike; in South Africa the American flag was burned on the steps of the town hall of Johannesburg.

On the evening of the 23rd in Paris huge masses of workers were driven about the streets by the police. They would scatter, and then reassemble, wherever Americans were to be met. They raided the cabarets of Montmartre, and showered the patrons with broken glass. The "Moulin Rouge," shrine of tourist culture, was demolished, and when the panic-stricken

patrons got outside, they found their automobiles overturned and the tires cut. Unkind and inexplicable it seemed to amiable globe-trotters, who had sent over their boys and won the war for the French, and now, finding that the French could not pay their debts, were permitting them to work it off by entertaining several hundred thousand bond-holders every summer. Large round gentlemen in golf-pants, with horn-rimmed glasses and rosy cheeks, ate the best food in the country, and drank the best wines, and had the best dress-makers to decorate their bouncing jolly wives, or the lean tall ones who took culture seriously. They rode about in rows on large motor-buses, with guide-books in hand, admiring indiscriminately; they scattered money to right and left, paying double prices, determined to have the best of everything in the world.

The wage-slaves of French factories, half starved for generations, read in their socialist and communist papers of the death of Sacco and Vanzetti; and in the same issue they read how the wife of an American millionaire was introducing a new fashion in carved emeralds from India, of which jewelers in the rue de la Paix had a few rare specimens. The Chicago harvesting-machine queen had paid approximately eighteen million francs—the life-time earnings of several hundred French workingmen—for a necklace containing eighty-nine such jewels, minutely carved in relief to represent events in Hindu history. She had been the sensation at Biarritz when she appeared on Baron Fascini's yacht, wearing this necklace as the sole ornament on her newest Oxford bags pajamas suit of natural colored pongee, and a royal blue jacket with gold buttons. Such munificence made prosperity for all Paris, and kept many thousands of workers alive; yet they refused to love their benefactors, but called them dirty names, and threw stones through the windows of the cafés which exhibited the depravities of Paris to the Puritan trade.

The wisest of Frenchmen had written a letter to Governor Fuller. "I say to you, beware of making martyrs. This is the unforgivable crime that nothing can wipe out and that weighs on generation after generation." But alas, the name of Anatole France meant nothing to a salesman of motor-cars who read the *Saturday Evening Post;* that letter had doubtless been burned in the furnaces, along with all the others. And now

Massachusetts had made her martyrs, and stood upon her pedestal of self-righteousness. The more the world hated her, the more proud she would be, to be right while everybody else was wrong. "Massachusetts, there she is!" said Daniel Webster, darling of the "golden mob." "Behold her and judge for yourselves. There is her history; the world knows it by heart. The past at least is secure." So the golden ones would continue to orate, while the names of her two martyrs swelled to a battle-cry of the disinherited of the earth. Until that day when the workers of Europe began to take Joe Randall's advice and repudiate the debts!

IX

The corpses were in a mortuary, still held by the authorities. Then, horror of horrors, the friends of the defense learned that the bodies were being mutilated, the hearts and brains of both men were to be turned over to a medical school—of all places, Harvard University! It was a custom with the bodies of executed men, not a special indignity planned for these two—so the newspapers explained. Did the authorities have a right to do it? Or did they just do it? Nobody seemed to know. To the friends of the two martyrs it was the final insult—they could not have been more outraged if they had seen the august president of Harvard thumbing his nose at them.

"What do they want with their hearts and brains?" cried Cornelia; and Betty, the ferocious, explained matters. Harvard had so many millions upon millions of endowments, and had not succeeded in producing a great man for at least a generation. So many hundreds of professors, of every kind of subject on earth, and they couldn't teach anything worth while! Now they wanted the hearts and brains of two wops, to see if they could find out the secret of greatness. If they studied Nick's heart, they might learn about courage; from Bart's they might find a clew to social idealism, and the chemical constituents of faith. This fancy gave great joy to Betty, who went on to picture the medicos peering through microscopes, and making analyses in test-tubes, to find out the ways of genius. Mr. Lowell studying blood-counts, to learn how to put a little human interest into a speech or an essay! The heads

of the English department making drawings of the cells in Vanzetti's cortex, to find out how a wop had become a great master of English prose!

The mutilated bodies were turned over to the relatives at last. Thousands of persons wanted to view them, and pay their last tribute; but the proprietors of the building in which the defense had two dingy rooms refused to permit it to happen there; to make sure, they nailed a joist up and down through the middle of the entrance to their building, which they figured would keep out coffins! So arrangements were made with an Italian undertaker on Hanover Street; and the moment it was known that the bodies were there, ten thousand persons gathered, and the police had to rope off the entire block, and let in only a few at a time.

Also they had to start clubbing and jailing again. For Mary Donovan came with another placard, containing those words which three or four weeks ago she had nailed to one of the elm trees of the Common: "Did you see what I did to those anarchistic ——? Judge Thayer." She set that placard in front of the two coffins, while the newspaper photographers prepared to take pictures of it. And of course the police wouldn't permit that; had they not abolished free speech in Boston in order to prevent those words from being put before the public? A policeman grabbed Mary's placard, and she, being Irish like himself, was not above fighting for her own. Other "cops" came running, and dragged Mary off to jail; and then of course they had to club the crowds, to keep them from crying "Shame!"

The friends of the defense desired to have a parade to the crematory where the bodies were to be burned. Many persons desired to go, and why should they not walk? So began negotiations with officials of this city of terror, for the right to walk eight miles to a crematory. The first stipulation was that the walkers must go by the most direct route, which would take them through obscure streets for the most part, and past no precious public buildings. The second stipulation was that the caskets must be carried in a hearse, and not upon the shoulders of men. The third was that no signs or banners should be borne. No word about "anarchistic ——"!

"Back to Normalcy," said the Boston *Herald;* and put all

this news on an inside page. The *Post* discussed such topics as "The Sunless Summer" and "Vegetarians and Shoes." The chiefs of the moving picture industry, whose orgy with drunken prostitutes had filled the Boston newspapers while Sacco and Vanzetti were on trial, now held their meeting in New York and passed a resolution that the case was to be barred from the screen forever, and that all films of it should be destroyed. Said Betty, the ferocious: "The great American whore covers us with her skirts!"

Said Cornelia: "They must have found out what Bart thought of them! Do you remember, Betty, what he wrote in 'Events and Victims'?" She looked up the manuscript, and found the passage in which Vanzetti had described the entertainment which American capitalism was supplying for its wage-slaves. "That ought to be published!" exclaimed Betty, and Joe made a copy of it; but alas, there was no paper in Boston which could be lured into printing such blasphemous words!

X

Sunday the day of the funeral. The crowds in Hanover Street made all movement difficult; they were so great that people were pushed through plate glass windows, and when these crashed there was a panic, because the crowd thought the police had started shooting. In the roped off area were two hearses and several limousines; oh, crowning insult—they were Packard cars! The supersalesman, now enjoying his hard-earned vacation, was making money as usual! In one car, with curtains drawn, rode the widow and children of Sacco and the sister of Vanzetti, both women in a state of collapse. It was an Italian funeral, with great floral wreaths borne by mourners, and the undertaker marching in a Prince Albert coat and top hat, in spite of a drizzling rain. State police—the "Cossacks"—rode ahead and alongside the hearses, to see that the procession followed the prescribed route. In the rear followed several open cars full of flowers, and several with mourners, among them Cornelia Thornwell.

The authorities had given the necessary permit, and had not limited the number of persons who might march in the procession; but they dared not let it be too big, for the sake of

the moral effect. So the entire march was a series of battles between those who were determined to march, and the police who were trying to break them up and shunt them off into side streets, even if some had to be killed in the process. The members of the committee and friends of the defense had provided themselves with red arm-bands, reading: "Remember Justice Crucified. August 22, 1927," and the wearers of these arm-bands were singled out for the fiercest attacks.

The procession moved down Hanover Street, and fifty thousand people fell in behind after it had passed. So when they came into Scollay Square, mounted policemen rode into the middle of the throng, and tried to form a line across the street, barring the bulk of the procession. The crowds dodged this way and that, to get by; the policemen began to wield their clubs, galloping their horses, and trampling men and women beneath the iron-shod hoofs. But a frenzy possessed the mourners; it was their last chance to express their loathing of the crime that had been committed, and of the criminals who had done it, and thousands were ready to die rather than be cut out from the parade. They broke through again and again, and screaming and cursing people were knocked down, or jammed through the windows of stores; the younger and more fleet-footed went racing around the block, so as to catch the procession farther on.

The hearses continued down Tremont Street, and came to Park Street, the corner of the Common, where the State House with the golden dome may be seen upon the hill. To march up Beacon Street and past that State House had been a fond dream of the friends of Sacco and Vanzetti. To keep them from realizing it, the police had not merely made a solid blockade of trucks across Park Street, but had a gang of laborers come and take up the paving blocks from sections of the street. The laborers stood watching the show, until the hearses and the crowd had passed; then they replaced the paving!

The procession moved along Tremont Street; on one side the Common, on the other the fashionable shops. A solid mass of people all the way, filling the sidewalks; the newspapers estimated that two hundred thousand saw the hearses go by. The marchers would have taken all day, if the police had let them alone. But at Charles Street they had another device;

line after line of empty taxi-cabs drawn up, waiting for the hearses and the little group of mourners to pass; then the taxis broke out into the throng. It was against the law to break into a funeral, but there was no law in Boston except the will of the police. Who was paying the taxi-cabs for the service was not known. Their efforts were futile, for the people kept breaking through at risk of their lives.

No order was possible to the marchers; they just walked as they could; the crowds fell in behind, mostly with bared heads, in spite of the heavy rain that had begun to fall. Betty and Joe, Mary Donovan, Powers Hapgood, Alfred Baker Lewis —all the leaders were there. They were spreading flowers on the street—but that was against a city ordinance, said Mike Crowley, who rode with the procession, greatly astonished to see how many men and women were willing to get soaked for the sake of two anarchist wops.

Out through the South End; the friends of the defense now forming lines with linked arms for protection against the police. By the time they came to Roxbury Crossing, they had a military formation, and were able to keep the traffic from breaking them up, in spite of all efforts. The traffic police would signal for traffic to break into the procession, and cars would force their way a few feet amid cat-calls and screams; then they would give up, and Sacco and Vanzetti would have their way for the first time in Boston. One policeman forced a seven-ton truck into the crowd; the truck driver was attacked with umbrellas, and when the policeman tried to draw his club, he was swept aside.

It was in that part of Boston called Jamaica Plain that the orders came to break up the parade at all hazards. A small army of patrolmen charged into the crowd, wielding their clubs right and left. One patrolman made his attack in an automobile—darting this way and that, running people down, a new sport. Others climbed into the cars of the sympathizers, and clubbed the drivers, and drove the cars out of the line. Even the hard-boiled newspaper reporters were astonished by the sights they saw in that battle, and were permitted by their city editors to write a few plain sentences telling the incidents:

"One officer was to be seen beating a woman in the face with his fist. A girl was standing near the coal company office, her

face buried in her hands with a split chin. . . . A policeman stuck his pistol at the window of a taxi-cab, then turned suddenly, went to another car, dragged a man out to kick him toward Boston. Persons who were riding on running boards of autos and taxi-cabs were dragged off and beaten or booted in the direction of Boston. By this time the main body was in flight toward Boston, pursued by a line of policemen who still used their clubs. Women were given no mercy in the panic. . . . While one man was being beaten by a sergeant with an umbrella, his hat was knocked off and, stooping to pick it up, he was booted by a patrolman. He went down and the patrolman kicked the hat high in the air."

It was the process known as "Americanization."

XI

Ten thousand persons were crowded about the Forest Hills cemetery, with hundreds of policemen to keep them from getting inside. The hearses were passed in, and the cars with the reporters and photographers, and a little group of mourners; the rest of those who had marched eight miles to attend the ceremony had to stand about outside—unless they were lively enough to climb the hedge and the iron picket fence. Inside the little chapel a hundred persons were gathered, and the two coffins were set upon a dais, covered with flowers, and Mary Donovan took her place beside them, white and trembling. For two years she had made the cause of Sacco and Vanzetti her life; she had given up her religion, her friends, her job; and now it was her opportunity to speak the last words which the defense had to say to the rulers of Boston.

She lifted her voice; and then—a miracle, such as happens when martyrs are made in this world! It was discovered that the heart and brain of Vanzetti, supposed to be in the possession of the medicos of Harvard, so that they might probe into the secrets of how to be noble and how to be eloquent and how to be a master of English prose—that heart and brain had escaped from under their scalpels, and were here in the body of a frail Irish girl, a reformed Catholic, speaking words which would be woven into the texture of the new religion of humanity, and learned by school children under the new dis-

pensation. Said Mary Donovan, addressing Boston's martyrs:

"Nicola Sacco and Bartolomeo Vanzetti. You came to America seeking freedom. In the strong idealism of youth you came as workers searching for that liberty and equality of opportunity heralded as the particular gift of this country to all newcomers. You centered your labors in Massachusetts, the very birthplace of American ideals. And now Massachusetts and America have killed you—murdered you because you were anarchists.

"Two hundred and thirty-five years ago the ruling people of this State hanged women in Salem charging them with witchcraft. The shame of those old acts of barbarism can never be wiped out. But they are as nothing beside this murder which modern Massachusetts has committed upon you. The witch-hangers were motivated by the superstitious fear of an emotional religion. Their minds were blinded by their selfish passion to reach heaven.

"The minds of those who have killed you were not blinded. They have committed the act in deliberate cold blood. For more than seven years they had every chance to know the truth about you. Not once did they even dare mention the quality of your characters—a quality so noble and shining that millions have come to be guided by it. They refused to look. They allowed the bitter prejudice of class-position and self-interest to close their eyes. They cared more for wealth, comfort and institutions than they did for truth. You, Sacco and Vanzetti, are the victims of the greatest plutocracy the world has known since ancient Rome.

"Your long years of torture and your last hours of supreme agony are the living banner under which we and our descendants for generations to come will march to accomplish that better world based on the brotherhood for which you died.

"In your martyrdom we will fight on and conquer.

"Remember Justice Crucified. August 22. Remember."

XII

Those who had strong nerves were privileged to go back into the crematory, and look through a glass plate into the "retorts," and see the two bodies being resolved into their original ele-

ments—dust unto dust, ashes unto ashes. Those who could not stand the ordeal by fire, went out to face an ordeal by water; a downpour of rain such as Boston had rarely seen, almost a cloudburst. A more superstitious age would have said that the heavenly powers desired to wash the city clean, the blood from its streets and the blot from its name. One of those natural portents, like the rending of the veil in the temple, which accompany the making of martyrs!

Yes, Boston had rejected the advice of the shrewd old Frenchman, and made two martyrs. Mystic beings, with supernatural virtues, destined to become a legend; to expand like the genii released from the bottle, until they spread over the sky, completely overshadowing the city and its fame. No more would Boston be the place of the tea-party and the battle of Bunker Hill; Boston would be the place where Sacco and Vanzetti were put to death!

And those two, the shining ones, the holy, who died to make freedom for the workers! Already one saw the history of martyrology repeating itself: the process of two thousand years crowded into one. Already they were canonized beings, concerning whom it was forbidden to speak any word but of praise; already there were men who worshiped their ashes, and imprisoned those who followed their example!

And yet, obscurely, the symbol was working in the souls of men. A hundred million toilers knew that two comrades had died for them. Black men, brown men, yellow men—men of a hundred nations and a thousand tribes—the prisoners of starvation, the wretched of the earth—experienced a thrill of awe. It was the mystic process of blood-sacrifice, by which through the ages salvation has been brought to mankind!

A hundred million workers, shackled and blind, groping in a poison fog manufactured by their masters, learned that two of their fellows had been put to death for lifting the banner of freedom. In spite of all the wrangling of the radical sects, that was a fact the meaning of which could never be obscured; a fact which shone like a pillar of fire in the workers' night. Bart had succeeded in the purpose he had declared, to give a meaning to his name. "It mean joostice, it mean freedom, it cannot mean nothing but!" To a hundred million groping, and ten times as many still in slumber, the names of Sacco and

Vanzetti would be the eternal symbols of a dream, identical with civilization itself, of a human society in which wealth belongs to the producers of wealth, and the rewards of labor are to the laborers. In the words of the prophet Isaiah:

"And they shall build houses, and inhabit them; and they shall plant vineyards, and eat the fruit of them. They shall not build, and another inhabit; they shall not plant, and another eat; for as the days of a tree are the days of my people, and mine elect shall long enjoy the work of their hands."

THE END